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Ontario Royal commission inquiry into
labour disputes.

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ROYAL COMMISSION
INQUIRY INTO LABOUR DISPUTES

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HEARINGS HELD AT
Toronto, Ont.

VOL. NO.
6

DATE
19 Jan. 1967

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Toronto, Ontario

IN THE MATTER OF The Public
Inquiries Act, R.S.O. 1960,
Ch.323

- and -

IN THE MATTER OF an Inquiry
Into Labour Disputes

BEFORE: The Honourable Ivan
C. Rand, Commissioner,
at 123 Edward Street,
Toronto, Ontario, on
Thursday, January 19,
1967

E. Marshall Pollock

Counsel to the Commission

APPEARANCE:

Toronto & District Labour Council

H. Buchanan

Executive Member

W. D. Kearns

Secretary

D.M. Montgomery

President

H. Weisbach

Executive Member

Nethercut & Young Limited, Official Reporters, 48 York
Street, Toronto, Ontario. Per F.J. Nethercut and
R.J. Young, sworn.



1
2
3 ---At 10:00 a.m., the Hearing commenced
4

5 MR. POLLOCK: Tor
6 Council, D. M. Montgomery, President, Mr. W. I
7 Secretary, Mr. Hugh Buchanan and Henry We

8 Gentlemen, both the
9 read the submission carefully. We d
10 to restrict your presentation. We would sugg
11 some other technique, rather than reading your
12 lengthy presentation verbatim. Perhaps
13 with the points in order in a brief fashion a
14 could discuss some of those matters with

15 First, I think it would
16 us if we could have some idea what
17 you represents in the sense of craft or
18 if you could give us a brief
19 the Toronto & District Labour Council and p
20 us a copy of your Constitution and

21 MR. MONTGOMERY: We will
22 the Constitution and By-laws, sir.

23 We are here as Labour Council rep
24 and we represent the building trades
25 those who have to do with construction
26 electricians, carpenters, all the
27 to put up buildings with the except
28 who are not part of the Toronto & District Lab
29 We represent the needle trades,
30 Workers, the clothing workers, the handbag people



1 people in the auto industry such as Douglas, DeHavilland,
2 Massey Harris, steelworkers such as John Inglis and that
3 type of operation, Moffat and Dominion Bridge. We have
4 unions representing the retail trades such as Brother
5 Buchanan, who is a retail-wholesale department store union
6 and we also have the amalgamated meat cutters and the re-
7 tail clerks, who are all engaged in either retail or whole-
8 sale end of distribution of all types of food products and
9 the like. And we have the gentlemen of the press here,
10 the Guild, the printing trades, the hotel and restaurant
11 employees, the bartenders, the building services represent-
12 ing the hospitals, Canadian Union of Public Employees
13 representing the municipal employees in the 6 boroughs in
14 Toronto, the actors, we represent N.A.B.E.T., the people
15 who have operated the cameras and sound booms and techni-
16 cians of the CBC and CTV. That generally covers it. I
17 can't think of areas we haven't covered, but we represent
18 225 local unions in Toronto with a membership of approxi-
19 mately 120 thousand. The unions we don't represent are the
20 independents, such as the teamsters, the United Electrical
21 Workers and I see we have the C.N.T.U. in Toronto. We don't
22 represent them either. That is about, generally, the list
23 and we cover all people who are in the unions and associations
24 including postal employees and letter carriers.

25 THE COMMISSIONER: Just what is the rela-
26 tion of these unions to yourself? Do they make what may be
27 considered as a single membership in your Council?

28 MR. MONTGOMERY: Sorry, sir, we didn't
29 bring a Constitution but they are allowed representation
30 based on the number of members. They pay 2 cents per



1 per member and we meet on the first and third Thursday
2 each month and they send representatives. They are enti-
3 tled to one delegate for the first 100 members and one
4 additional delegate for each 200 members or majority
5 fraction thereof. We are the counterpart on a municipal
6 level of the Ontario Federation on the provincial level
7 and the Canadian Labour Congress on the national level.
8 We are primarily concerned with the coordinating efforts
9 of our affiliated unions and the Trades & Labour Congress in
10 the geographical area of Metropolitan Toronto.

11 THE COMMISSIONER: Are these people whom
12 you represent, are they members of the Council?

13 MR. MONTGOMERY: The local union is a mem-
14 ber of the Council.

15 THE COMMISSIONER: But what are these
16 representatives? Do they take part immediately with you?

17 MR. BUCHANAN: Delegates.

18 THE COMMISSIONER: What is their capacity?
19 Do they become a member of that group which makes decisions?

20 MR. MONTGOMERY: They are called delegates,
21 sir, and they participate in debate and vote on motions.
22 They submit locals -

23 THE COMMISSIONER: There is also, I assume,
24 a permanent group with yourself, say, and your associates.
25 Who elects them?

26 MR. MONTGOMERY: Each local selects his
27 own delegate.

28 THE COMMISSIONER: Well, is the Council
29 really composed of delegates?

30 MR. MONTGOMERY: Just of delegates.



1 THE COMMISSIONER: Oh, I see.

2 MR. MONTGOMERY: Each local has its own
3 method of selecting delegates, whether they are appointed
4 or elected, we accept them on - the membership is the
5 local union or association. They are the members of the
6 Council and they send delegates.

7 THE COMMISSIONER: How long are these
8 delegates appointed for, one year?

9 MR. MONTGOMERY: Two years.

10 THE COMMISSIONER: And they appoint the
11 officers?

12 MR. MONTGOMERY: They elect the officers.
13 In fact, tonight we will know if we are returned or not.

14 MR. POLLOCK: Are you being opposed? I
15 thought you were elected by acclamation.

16 MR. MONTGOMERY: I am speaking as a col-
17 lective "we".

18 MR. WEISBACH: It is a delegate body.

19 THE COMMISSIONER: Composed of delegates.

20 MR. MONTGOMERY: Yes.. In this capacity
21 as the representatives of Labour Council affiliates, we
22 do not become directly involved in collective bargaining
23 other than as an employer of office people we are involved
24 as employers and we negotiate with one of our affiliates
25 for their membership. Other than that, we are not directly
26 involved as officers of the Council.

27 We are also non-paid officers. None of us
28 are full time on the Labour Council, although sometimes
29 my Director thinks I am, but it is not really true; I am
30 not paid as an officer in the sense of being a full time



1 person. Nor are my associates.

2 THE COMMISSIONER: You are a delegate of
3 one of the unions?

4 MR. MONTGOMERY: I am a delegate of one
5 of the United Steelworkers' locals and you must be a dele-
6 gate to be eligible to run for office. As a Labour Council
7 we don't become directly involved in negotiations other
8 than the case that I mentioned, but affiliates come to us
9 and ask for support in raising funds and getting coopera-
10 tion of other affiliates, of sometimes supplying pickets
11 as we have done from time to time and this is the area
12 that we function in. It is an auxiliary operation to
13 those directly on strike.

14 THE COMMISSIONER: Those offices are
15 clearly defined in your Constitution?

16 MR. MONTGOMERY: That is right. We will
17 see you get a copy of it.

18 In fulfilling this function of ours of
19 assisting our affiliates who are on strike, we have assis-
20 ted them by organizing committees of unions involved. At
21 the Royal York Hotel we organized a committee of the
22 packinghouse people who supplied meat, the stationary en-
23 gineers, the heating plant, of the brewery workers who
24 supplied the beverages, the C.B. of R.T. who handled
25 trucking, bringing it in and coordinated activity this way
26 and Clark Tannery, we helped organize a demonstration of,
27 I forget, 2,000 or 3,000 people that we think made some
28 contribution to bringing the parties back to the bargain-
29 ing table and the strike was settled.

30 We also assist, on occasion, by being the



1 means of the parties communicating with one another. We
2 know people in management and we will go to them and sug-
3 gest that we can get them back to the table. Now, the
4 Lever Brothers strike, the settlement was brought about
5 by Douglas Hamilton, whom you may have met with the Federa-
6 tion here, and by William Mahoney meeting with the company
7 and helping work out a compromise.

8 THE COMMISSIONER: Where was the Lever
9 Brothers strike?

10 MR. MONTGOMERY: Here in Toronto, Lever
11 Brothers. The International Lever Company. It is here
12 in Toronto. There were about 600 people involved and it
13 was a long, bitter strike.

14 Also Dave Archer, one of our delegates,
15 assisted in bringing the Royal York people back to the
16 bargaining table. These are the areas we really function
17 in. We have had injunctions served against us as a Labour
18 Council in the Dominion Luggage strike, prohibiting us
19 from supplying pickets or in any way assisting. This is
20 our only experience as a Labour Council in my term of
21 office with the injunction being served against us.

22 THE COMMISSIONER: What case was that?

23 MR. MONTGOMERY: Dominion Luggage. It
24 was 3 or 4 years ago. It was the Baggage and Luggage
25 Workers Union.

26 MR. BUCHANAN: We decided on that at the
27 time, we cite it on page 3 about the 2nd last paragraph.

28 MR. MONTGOMERY: If you will be kind
29 enough to make a correction on page 4 of the brief. It
30 says: "This all resulted in a settlement". It should be:



1 "This often results in a settlement". The word "all" should
2 be deleted and replaced by "often".

3 As a representative of these affiliates,
4 of course, we are certainly not an unbiased group and our
5 views are very pronounced. And I don't know how widely
6 known.

7 THE COMMISSIONER: Well, there is virtue
8 in frankness.

9 MR. MONTGOMERY: We have been opposed to
10 the use of injunctions in industrial disputes and our
11 record, from time to time in this regard, over the many
12 years we have been in existence, and in 5 years' time, we,
13 as a Labour Council will celebrate our centennial so we
14 are not too far behind Canada as a nation and as being a
15 central labour body. We are also on record as being op-
16 posed to compulsory arbitration. These represent the
17 views of our affiliates. This is part of our function
18 to be a forum in which they can register their views.

19 THE COMMISSIONER: Then, I can take it
20 that these expressions of views are in substance, those of
21 the affiliates?

22 MR. MONTGOMERY: Yes, as far as we can
23 represent them, are the views of the affiliates.

24 THE COMMISSIONER: Oh, quite, within the
25 limits of your authority.

26 MR. MONTGOMERY: Our concern is not really
27 in the field of legislation, provincially or federally,
28 because, like every other labour body, we have certain
29 jurisdiction set out in our Constitution and approved by
30 our parent body, the Canadian Labour Congress, that charter



1 us as a local labour body. We are concerned really - I
2 don't want to use the old cliché, at the grass roots level
3 - but we are dealing with the members at the local level
4 and we are concerned with their reaction to the use of
5 injunctions which we have set out in our brief. I do not
6 wish to read it, but it is set out there better than I can
7 summarize it, so I will deal with that through your ques-
8 tions. I imagine you will have some questions and comments
9 on the paper and I have been following some of your com-
10 ments in the paper, and I see you don't leave too many
11 stones unturned.

12 THE COMMISSIONER: Well, we are looking
13 for information, that is all.

14 MR. MONTGOMERY: Now, our membership,
15 whether they are involved in a strike personally, or just
16 spectators, they are very much opposed to the use of in-
17 junctions and they feel that this is a case of the courts
18 lining up on the side of the employer. We say that in our
19 brief and I don't suppose there is a great deal more we
20 can really add to that.

21 We make some suggestions in here that we
22 are not lawyers, and none of us are, we are not even
23 Philadelphia lawyers.

24 THE COMMISSIONER: That may be a recommen-
25 dation.

26 MR. MONTGOMERY: We are not going to, at
27 any time, try to be legalistic about this. As I said
28 earlier, we feel very strongly. I think everybody here
29 that has appeared before you, has had an axe to grind and
30 we are no exception.



1 THE COMMISSIONER: Oh, well, we want to
2 know exactly what your feelings are and what the considera-
3 tions are which lie behind them.

4 MR. MONTGOMERY: We feel, basically, that
5 the injunction should be not used in industrial disputes
6 and if we are unsuccessful in achieving this objective, we
7 feel that the Labour Relations Board is a better body, a
8 more informed body, which could be used to issue injunc-
9 tions. We also feel in here, that if a man goes through
10 the legal procedure and certified by the Ontario Labour
11 Relations Board, negotiated in good faith, goes through
12 the procedure of conciliation with a conciliation officer
13 appointed by the Department of Labour, and a conciliation
14 board, and then has to go on strike, that he should have
15 a right to return to that job at the end of the strike,
16 whether the strike is successful and resolved in an agree-
17 ment or not.

18 THE COMMISSIONER: How do you think that
19 squares with your conception which is often expressed by
20 labour leaders, that labour is a commodity to be bought
21 and sold?

22 MR. MONTGOMERY: Our view on this, sir,
23 is that the man has a right to the job. If he legally goes
24 on strike, then his job should not be in jeopardy.

25 THE COMMISSIONER: Of course, the statute
26 expressly preserves that relationship, but I am just won-
27 dering, if you take the view that labour is a commodity,
28 then it is simply buying and selling as you do any other
29 material. There is no question of a personal relation. I
30 might say, I think it is a very questionable view that



1 your labour is what they call a commodity to be bought and
2 sold like any merchandise, but that is what is so often
3 urged, you know. To me, it is illogical; it is inconsis-
4 tent with the conception that you are now putting forth
5 which has a very great deal to support it.

6 MR. MONTGOMERY: Well, I don't view labour
7 as such, as a commodity. If this is the concept the
8 parties have -- and I am not apologizing for any labour
9 leader or any employer that says it -- if this is their
10 thinking, then they are going to have labour problems be-
11 cause they are not treating people with any difference
12 than a pound of butter or a keg of nails. I think this is
13 a wrong concept and I think this is the sort of employer
14 and union that we have problems with. I don't think we
15 should treat people like that. I think the companies have
16 an obligation in regard to pensions and group insurance and
17 making some provision for people whose jobs become redun-
18 dant through the use of new techniques and new equipment.
19 I don't hold with the idea of the word "commodity".

20 THE COMMISSIONER: You are quite consistent,
21 but I wanted to mention that fact because it is so frequent-
22 ly heard.

23 MR. BUCHANAN: May I interject there:
24 Surely the context in which that statement is made most
25 often by labour people is when they state the man or the
26 labourer only has his labour as a commodity, he has no
27 other investment in the situation but he has a stake in
28 his job as a human being as well as the supplier of a com-
29 modity. This, I think, you will find, is a clarification
30 of the labour leaders' statements.



1 THE COMMISSIONER: It is what?

2 MR. BUCHANAN: This, to me, is the inter-
3 pretation of a labour leader's statement when he says --
4 this will be my interpretation of his statement, that while
5 basically labour is a commodity, it is a commodity with a
6 string attached. The human being is the only commodity
7 with the human presentation, if you want to call it that.

8 THE COMMISSIONER: I must say I think you
9 weaken your situation if you take that view.

10 MR. MONTGOMERY: I don't hold with the
11 view. I hold with the view that there is a relationship
12 between the employer and the employee and it is an entirely
13 different relationship than any other type of bargaining
14 we have. It is a social relationship. One chap, Alec
15 Hill, who used to be Managing Director of Central Bridge
16 and now, I think, is with Canada Iron Foundries, once said
17 that he felt the ideal labour relation existed with a com-
18 pany being 60 per cent company and 40 per cent employee,
19 and where the employee was 60 per cent union and 40 per
20 cent for the company, and that he believed there was this
21 sort of arrangement. He said it is something like a mar-
22 riage. He said sometimes it is a good marriage and some-
23 times not so good. But this relationship, in all due re-
24 spect to the courts and the legal profession, they don't
25 agree with me that it is a different relationship. We have
26 to live together. Once we have these squabbles on the
27 picket line and strikes and so forth, the people who are
28 involved, whether the management, the union or scabs, or
29 union members on the picket line, they have to live together
30 afterwards. Their differences somehow have to be resolved



1 if they are going to be rubbing shoulders 5 days a week
2 for 40 hours a week, and they have to carry on. If I,
3 for example, take action in the court and sue my friend
4 Mr. Buchanan, for damages or slander or something and we
5 leave, we may never see each other again and we don't have
6 to put up with the decision that may bring bitterness on
7 one side or the other. I don't think labour is a commodity.
8 I think labour and management become involved in a new type
9 of social relationship, and a lot of the rules that we try
10 to take out of other relationships in our society just
11 don't fit. I think injunctions is one of them. I have
12 heard less violent language on a picket line than I have
13 heard at a football game.

14 THE COMMISSIONER: But you don't have an
15 injunction when that kind of language is the limit. They
16 must show, under the statute, that there is something in
17 danger -- property value or personal value. You don't get
18 an injunction by going down and asking for it. You know,
19 it is just possible that the conception of an injunction's
20 operation depends somewhat on the background in the minds
21 of the labour men -- and I speak of a labour man as one
22 who does his share of work in this life; I don't give
23 you gentlemen a monopoly of it at all.

24 MR. MONTGOMERY: We don't want a monopoly
25 of it, sir.

26 THE COMMISSIONER: I think both of us
27 here can say we have done some labour in this. It depends
28 upon the background of the ideas in the assumption. If
29 you assume you have a right to use physical force in a
30 picket line to prevent the entrance onto a property, which



1 you respect in your own case -- you have your home and you
2 don't want trespassers -- if you take that view, then of
3 course the injunction is objectionable and it does say,
4 "they are supporting my opponent". That is quite true.
5 But, you must examine the assumption which is the basis of
6 that attitude. Suppose you have a very nice home and there
7 are two roads running parallel north and south and the other
8 lines are far apart and I say it would be much more con-
9 venient to go over your property and I go over it and I
10 say "We are neighbours and friends and members of the
11 social community, why don't you let me walk over that?",
12 what would your answer be?

13 MR. MONTGOMERY: I think you are a pretty
14 brave man, because I have two dogs in my backyard.

15 THE COMMISSIONER: Yes, and I avoid them.
16 Now, that is an extreme case.

17 MR. MONTGOMERY: The problem in trying to
18 deal with injunctions -- I don't suppose anyone here who
19 has appeared before you has not very strong views and very
20 biased views, I suppose, because my reading of it is that
21 everyone is coming down here to tell you that the other
22 fellow's ox should be gored. It is very difficult to
23 speak of injunctions without getting involved in this
24 emotional background. We come in here, and every meeting
25 we have on injunctions, we are opposed to them and do not
26 like them because our experience has been bad. The matter
27 of language I raised, is that I have seen some affidavits
28 sworn out not very long ago in a small strike out here in
29 the west end of the city where he was referring to foul
30 and abusive language being used, and this was one of his



1 reasons for wanting an injunction. I have been on picket
2 lines, we all have, and they yell "scab" and a lot of un-
3 complimentary names. But, I have been to a political
4 rally and I have also been to football games where the
5 language is even as bad or worse and nobody rushes up and
6 takes the position that it is not part of the game. You
7 go there and you pay your money and you're entitled to
8 yell at the referee that he is either blind or a thief or
9 something. It seems to be acceptable.

10 THE COMMISSIONER: Yes, that is looked
11 upon simply as a noise.

12 MR. MONTGOMERY: In the picket line it is
13 looked upon as a noise but it is used by people wanting
14 an injunction.

15 THE COMMISSIONER: But you see there, in
16 a picket line you have a conflict of interest. In a foot-
17 ball game you have an area of interest of a different sort,
18 and it is the relation of the action to that strong inter-
19 est that you are serving -- and a very proper interest and
20 a very proper mode of serving it -- there is a quality
21 there that distinguishes it from the ordinary demonstra-
22 tion of noise with no specific purpose in view and no
23 quality which is objectionable -- the intimidation quality.
24 I think we have to admit that. Human nature just goes in
25 that direction. I think it is a very legitimate view to
26 take, that you have a relation there that is of signifi-
27 cant economic and social value in this twentieth century
28 civilization, and you want to protect that. In the pro-
29 tection of it, where almost your whole life is involved
30 in it, you may have spent 20 or 25 years in that chair,



1 say, and you see somebody sitting in it, it is beyond human
2 nature not to resent that. The only thing that could be
3 said to that is, yes, it generates resentment, but the
4 process of our civilization is learning to control that
5 generation, that is all.

6 MR. MONTGOMERY: But this whole attitude
7 you mention about the man saying "He is working on my
8 machine" or "He is driving my truck" -- the man who goes
9 in there, it is bad enough if he is an employee of the
10 company, who does not honour the picket line and who is
11 commonly called a scab; this is partly the provocation
12 that results, but you bring in somebody who is a complete
13 stranger, a strike breaker, who never worked there before,
14 who is taking advantage of the misfortune of the people
15 who are on strike and who cannot resolve their dispute with
16 the employer, the bitterness is so great that this is like
17 smoking in a gasoline storage area. When the employer does
18 this, we feel he has some responsibility for provoking the
19 action, but in these cases, when a skirmish results, the
20 employer has the injunction which permits him to keep on
21 doing this which turns the balance in his favour in the
22 collective bargaining process. The result of the injunc-
23 tion is this, and this is what makes people so bitter about
24 it. Also, most of the people we have are law-abiding
25 citizens. Many of them are very active in the different
26 types of organization -- the church, the Home and School,
27 the Boy Scouts and so on. When the law is used against
28 them and they are made to feel to be criminals, then there
29 is ---

30 THE COMMISSIONER: You see, you must look



1 around the whole 360 degrees of the circle for the ideas
2 which are present there and influencing conduct, and the
3 vital idea is the idea of property.

4 MR. MONTGOMERY: Yes.

5 THE COMMISSIONER: You are really seeking
6 a certain invasion of property and you justify that in
7 really changed social attitudes. I think you would agree
8 with that.

9 MR. MONTGOMERY: That is right, I agree.

10 THE COMMISSIONER: Well, that is being
11 imposed because 200 years ago, even 100 years ago, take in
12 England where we generally look to see the evolution of
13 these things, in that case you had the children - I was
14 noticing the other day that no child under 9 would be em-
15 ployed in, I think it was a mine. Well, that gives you a
16 better illustration or insight into the ordinary attitude,
17 better than any words can do. So, you accept, at least I
18 asked Mr. Archer the question whether he agreed with the
19 conception of property in this life, some people think it
20 is a gift of heaven or a conveyance from heaven. I think
21 it is rather the recognition of society of the desirability
22 of enabling a person to have a certain amount of privacy,
23 a certain part of this earth's surface. But our discussion
24 here is based upon the assumption of that as a fundamental
25 acceptance in our social community and the question is:
26 How far is it going to be, by courts - we are dealing here
27 now with proposed legislation but you see the courts are
28 not legislatures: their duty is to respect the existing
29 law and among those laws is the existing law of property.
30 You may bitterly resent that but it is due, I think, to a



1 failure to appreciate what you would do if you were the
2 owner of that property.

3 MR. MONTGOMERY: That is true, sir, but we
4 also feel that a man has the right, and a man in a job
5 should have the same right.

6 THE COMMISSIONER: That is an exception
7 which you are, I say, very properly endeavouring to estab-
8 lish as an accepted concept of human relation.

9 MR. MONTGOMERY: That is correct, we are
10 advocating that.

11 THE COMMISSIONER: Yes, and I think it is
12 logical and you support it substantially.

13 MR. MONTGOMERY: Sir, if you have not read
14 Six Centuries of Work and Wages, it is a very good book.

15 THE COMMISSIONER: I have not read that
16 but I have read others and know something about the history
17 of it.

18 MR. MONTGOMERY: This covers the points
19 that you mentioned.

20 THE COMMISSIONER: I think it is always
21 wise to bring these points home and ask oneself what he
22 would do. You are an employer. I suppose you have difficulty
23 with your own employees.

24 MR. MONTGOMERY: Sir, I must assure you
25 that I have represented not only the Labour Council but
26 other groups and I can assure you I have had some troubles.

27 THE COMMISSIONER: Well, you appreciate
28 difficulty when your sympathies are in one direction. The
29 difficulty is of people whose sympathies are in another
30 direction.



1 MR. MONTGOMERY: Also you compound the
2 problem because negotiating collective agreements also
3 bring with it an emotion, anger, impatience and this com-
4 plicates the problem. Six months later the people who you
5 are shaking your fist at across the bargaining table there,
6 probably are out having lunch together trying to solve
7 some problem of maybe establishing a campaign for the United
8 Appeal in the plant. The bitterness between the employer
9 and the union at the bargaining table doesn't last very
10 long. It is like a domestic fight in the morning before
11 you go to work.

12 THE COMMISSIONER: But what has been changed?

13 MR. MONTGOMERY: We have taken away the --

14 THE COMMISSIONER: You have taken the
15 simple cause away but what is the effect that you have
16 removed? It is the temperature.

17 MR. MONTGOMERY: That is right.

18 THE COMMISSIONER: Instead of being 100 in
19 the shade, you go down to 70 and you have what? You have
20 a clearer insight, you see things sensibly and you wonder,
21 or we all ought to wonder why the explosion.

22 MR. BUCHANAN: Surely the crux of our situ-
23 ation is the explosion at the time of conflict. The tem-
24 perature is increased by some of the actions of the employer
25 in, sort of automatically applying to the court for an ex
26 parte injunction and obtaining that on the basis of an
27 affidavit which is not subject to cross-examination or
28 anything else. The first three or four days of a strike
29 situation is crucial.

30 THE COMMISSIONER: Why do you say it is



1 crucial?

2 MR. BUCHANAN: It is crucial, sir, because
3 at that time the employer can't make a lot of moves to
4 counteract a lengthy strike.

5 THE COMMISSIONER: Mr. Archer was very
6 frank. He said the object of a picket line is to generate
7 a temperature which will have the accomplishment of consol-
8 idating the strike action and I can quite see that and I
9 can quite see the purpose. But, really, what you are doing
10 there is moving outside of the area of your pure relation-
11 ship of the union beyond that for the purpose of effecting
12 your internal consolidation.

13 MR. BUCHANAN: That is from the definition
14 of picketing.

15 MR. MONTGOMERY: A strike is a contest
16 between the employer and the employee.

17 THE COMMISSIONER: Yes, it is put that
18 way, that is true.

19 MR. MONTGOMERY: So you start a picket line
20 and the fact you have lots of people gives the feeling of
21 strength and solidarity to the action. Then the courts,
22 who are supposed to be neutral come in with an injunction.
23 It is like a referee kicking a football towards your goal
24 on behalf of the opponents, as far as the people on the
25 picket line are concerned. Of course, I must admit, sir,
26 he is only following the rule book when he does it but,
27 nevertheless, the result is the same.

28 THE COMMISSIONER: That is the fact and
29 that is the rule book that governs the courts. After it
30 is all over, who do you blame - the umpire or the man who



1 objected?

2 MR. MONTGOMERY: People are inclined to
3 relate acts to other people rather to a book. You can't
4 blame a book because it doesn't do any harm, it just sits
5 there. A fellow looks in the book and says "I can do this
6 under the book", so many times the courts are blamed
7 and we realize, in all fairness, the man on the bench who
8 applies the law, is only doing what he is required to do.
9 In the heat of the moment you don't stop and go far enough
10 back to see the whole picture.

11 THE COMMISSIONER: That is true. I think
12 you have stated it very well. What is overlooked is the
13 fact that the central support of democratic government is
14 the court. Human beings are not perfect in their outlook:
15 they do their best to get rid of preconceptions and biases
16 and one thing and another but, nevertheless, over
17 the world as a whole, I think in this country you have an
18 association of human beings which, in relation to indivi-
19 dual scope of action and relation with their fellows can't
20 be surpassed.

21 MR. MONTGOMERY: We are not suggesting,
22 sir, that we establish anarchy. We are suggesting that we
23 change the rules.

24 THE COMMISSIONER: Yes, you are changing
25 rules. Now, take in this line of work, what would you sug-
26 gest as a change?

27 MR. MONTGOMERY: Well, one of the changes
28 we would suggest is that an employer not be permitted to
29 hire strike breakers or use injunctions to change the bal-
30 ance that existed when the strike began.



1 THE COMMISSIONER: How about the picket
2 line?

3 MR. MONTGOMERY: We feel that if the picket
4 line does a criminal act, throws a rock through somebody's
5 windshield, then the law, in itself, should take care of
6 the person who does that.

7 THE COMMISSIONER: But why? Do you think
8 that there is any distinction -- I would say, I agree with
9 you that the mass of our workers are first class Canadians.
10 Do you think it would be preferable for them to be involved
11 in criminal law than to be involved in a civil mode of
12 preventing wrong?

13 MR. MONTGOMERY: Well, I will tell you,
14 sir, I come here with great prejudice in many ways because
15 I am affected by many things that happen. About 20 years
16 ago, in a strike at Hamilton, there was a chap who was in
17 his mid-sixties who was an Italian immigrant, had been in
18 the country, I guess about 30 years, who because of an
19 injury to his leg, walked with a cane, and he was a cleaner
20 in what we call a change shed, where they take off their
21 working clothes and put on their street clothes. His know-
22 ledge of English was rather limited because he lived in the
23 Italian end of the City of Hamilton. We had a strike on at
24 the steel plant and, as the truck came through, he walked
25 over to the truck driver and said, "You no go through here",
26 shaking his head. He was arrested, he was sentenced to 30
27 days in jail. Now, he didn't mean it as a threat - a man
28 of his age with a bad leg, who was he going to threaten?
29 But the law sentenced him to 30 days. This, I think, is
30 wrong. But, of course, there are many cases where the law



1 is right. I don't remember them, I remember the times when
2 they were wrong. When I was a teenager, my father was a
3 union organizer when I was going to school. I can remember
4 Holmes Foundry in Sarnia hiring a bunch of strike breakers
5 and my dad came home with a wound over his eye and his face
6 all puffed up. To me, every strike breaker is a thug be-
7 cause my father was taken out of his hotel room, taken out
8 in the country, beaten up and thrown in the ditch. Of course
9 this brings to me a great bias against strike breakers. I
10 admit it is not the correct attitude but you are affected
11 by your environment. So, I feel that where we have large
12 picket lines is where the strike, the contest is the hottest,
13 it is the most crucial.

14 You take Algoma Steel Corporation. They
15 have no pickets on, there is no problem in handling that
16 situation.

17 THE COMMISSIONER: I was going to ask you:
18 Your object really is to stop work?

19 MR. MONTGOMERY: That is right.

20 THE COMMISSIONER: On your side, you are
21 willing to surrender your wages in large measure. They
22 lose their profit and production which, assumingly means
23 profits. The two points of conflict seem to be, first, the
24 employment of strike breakers and the massing of the picket
25 line. I am just testing out ideas, so don't misunderstand
26 me. Suppose you do away with both - both strike breaking
27 and picket lines, and you leave it all to the solidarity
28 of the strikers?

29 MR. MONTGOMERY: Well, sir, if that were
30 true, we could do away with the courts too, couldn't we,



1 because everybody would be honour-bound to do the right
2 thing? You are suggesting that we have not got certain
3 elements in our society that need some --

4 THE COMMISSIONER: Why can't you generate
5 within your union, enough solidarity to meet the situation
6 where it depends solely upon your consolidation as against
7 the employer? All you have to do is say "All we have be-
8 fore us is to keep together and that work stops" and you
9 say, "No, we want to do something more. We want to invite
10 other processes to help hold ourselves together".

11 MR. MONTGOMERY: Well, people don't always
12 have an agreement. The strike is not always a unanimous
13 vote. We operate by majority vote but the real thing about
14 it is there are people who are going to go through a picket
15 line -- for example, we have a number of people at the
16 moment in the unions, in my experience, who don't want to
17 belong to unions, it is against their religion, it is
18 against their politics, they have some other philosophy.
19 Some years ago, a gentleman named Rand brought out a deci-
20 sion that everyone had to pay union dues whether they were
21 members or not. You would be surprised how many people
22 don't have religion to stop them joining now, don't have a
23 philosophy that prohibits them joining. The only people I
24 know that don't join are the Plymouth Brethren, the Society
25 of Friends and the Seventh Day Adventists, who have appar-
26 ently, some religious reason.

27 THE COMMISSIONER: But that was not the
28 only reason for not wanting to join. Some of them are
29 such individualists they don't want to associate with
30 anything like that.



1 MR. MONTGOMERY: My experience has been
2 that once they pay, you don't have any trouble getting them
3 to sign a membership card.

4 THE COMMISSIONER: But let me press that
5 question: Where your men know that all they have to do
6 is to hold together and the work will stop, why should
7 they not hold together?

8 MR. MONTGOMERY: Would you figure that the
9 law should read that office employees and the foremen and
10 the management personnel could not do the jobs of the people
11 in the plant too?

12 THE COMMISSIONER: Well, suppose you put
13 that in: take a large industry today of 1,000 people, and
14 there is a strike, that work stops. There is no doubt
15 about that. Why? Because they cannot replace 1,000 per-
16 sonnel.

17 MR. MONTGOMERY: I think I will answer
18 this way, that if the law is changed, if there are no strike
19 breakers and the employees in the supervisory and office
20 groups could not be used, I will take my chances on having
21 no picket lines, if this is the rule.

22 THE COMMISSIONER: I am only trying to
23 test these ideas out.

24 MR. MONTGOMERY: I think we would be better
25 off than we are now. You are negotiating a new law with
26 me, sir, and I think we can work something out along these
27 lines.

28 THE COMMISSIONER: I am trying to introduce
29 fresh ideas here.

30 MR. MONTGOMERY: I think if, under these



1 conditions -- there is one factor I would like to take into
2 account: Some people who do not scab, do so because it is
3 a stigma that will last with them for years. If we had
4 one or two pickets on the gate to make sure they knew some-
5 one knew they were going in, it would be helpful.

6 THE COMMISSIONER: In the speculation we
7 are making now -- and I am getting your reaction, really --

8 MR. MONTGOMERY: I could add this to your
9 proposition: We have an agreement.

10 MR. BUCHANAN: I will go further and add
11 that if you remove the ex parte injunction and severely
12 limit the issue and some such, and remove -- I don't know
13 the proper name -- but the injunctions per se, rather than
14 the ex parte, to a party such as the Labour Relations Board,
15 coupled with what you have suggested to Mr. Montgomery, I
16 will buy that deal if we are negotiating.

17 THE COMMISSIONER: But if you have no picket
18 lines, you don't need an injunction.

19 MR. WEISBACH: You only have no picket line
20 in places where there is no need of it.

21 THE COMMISSIONER: Of course, you have that
22 situation in any large-scale strike. The plant stops.

23 MR. WEISBACH: You will have a picket line,
24 sir, where you know that the employers want to try and
25 operate the plant.

26 THE COMMISSIONER: But he can't operate --

27 MR. WEISBACH: Somebody like General Motors
28 won't operate, no.

29 THE COMMISSIONER: Or take the Sudbury
30 plant with 7,000 or 9,000 men, they are stopped when there



1 is a strike. So, I have no doubt, would be the Steel Com-
2 pany in Hamilton -- any large industry. You can reduce
3 that to hundreds; depending upon the skill required and the
4 character of the work, in some cases it would be effective
5 only in very small companies.

6 MR. WEISBACH: In those cases you usually
7 just have a token picket line anyway.

8 THE COMMISSIONER: That may be and, there-
9 fore, if it is only token and they know there is a strike,
10 it is really ineffective as a picket line. These are only
11 ideas to see what possibilities you think might be entailed.

12 MR. BUCHANAN: I could accept your premise,
13 sir, that you should be able, even in the face of such
14 things as television and so on, and the attendance at union
15 meetings, we should be able to generate within our labour
16 movement, the solidarity which prevents our own people from
17 scabbing.

18 THE COMMISSIONER: That is what occurs to
19 me.

20 MR. BUCHANAN: But the professional strike
21 breaker is our worst enemy, there is no question about that.
22 I think we also have to accept within the labour movement,
23 the history of the real fights which create solidarity, is
24 something which is beyond the ken of many labour people.
25 Particularly in some of the craft trades, and we have them
26 presently in some of the newspapers -- we had and I don't
27 know if they have left now -- who moved in very rapidly
28 from various other cities to take the place of the I.T.U.

29 MR. MONTGOMERY: Mostly Americans. There
30 is, in the printing trades -- I use the name Pilkington



1 and Barnes, not that they do it, but they masquerade as a
2 security outfit in the States who will supply you with
3 certain skilled workers. Now, the premium is pretty high.
4 You must pay their hotel bill and so forth, but according
5 to what we know from the typographical people when the
6 newspapers went on strike, their union keeps a list of
7 these people and they have photographs of them, and they
8 give us the information that these people were used here in
9 the newspapers in the early days because they are tradesmen
10 and they cannot operate without a certain nucleus of these
11 trades. There are these types of professional strike
12 breakers. There are the other kind who do not do it full
13 time and you can go to a pool hall someplace and pick up
14 some guys who may be between -- like in the case where my
15 father was involved -- they may be between prison sentences
16 and they put them on to be the bully-boys. There are people
17 who will be happy to be strike breakers, usually because
18 the money is good because they may get longer hours. We
19 call them professionals. Some of them are only part time
20 professionals.

21 MR. POLLOCK: But those are to be distin-
22 guished from the people who live in the ordinary community
23 who are unemployed and want to get a job.

24 MR. BUCHANAN: Yes.

25 MR. POLLOCK: Would you think --

26 MR. BUCHANAN: They are strike breakers in
27 a sense.

28 MR. POLLOCK: In the sense that they are
29 getting paid for their work and they are professional em-
30 ployees.



1 MR. MONTGOMERY: Let us say they are ap-
2 prentices.

3 MR. POLLOCK: Of what significance is the
4 professional strike breaker in numbers, on occasions when
5 they are employed -- I do not mean the thug, the strongarm
6 man, the fellow who is the head breaker -- I mean the fellow
7 who is employed or imported to perform the task in the shop
8 -- what percentage of relative importance to the whole pic-
9 ture?

10 MR. MONTGOMERY: It would be very small,
11 but also there are very few strikes that are this type of
12 crucial strike. For example, it would not be possible
13 where you have to employ, say, in Sudbury, 9 or 10 thousand
14 people and pull in perhaps 500 different skills. Some,
15 perhaps, are fully skilled and some are semi-skilled, but
16 it is only really possible to use this type of strike
17 breaker where there is only really one craft involved, so
18 that they can use them in the printing trades and sometimes
19 in the building trades where they only have to have one
20 skill.

21 THE COMMISSIONER: In what numbers would
22 they come in?

23 MR. MONTGOMERY: Oh, very small.

24 MR. WEISBACH: They would be key people.

25 MR. MONTGOMERY: Also, they are, many times,
26 very well trained. That is no reflection on their skill.

27 THE COMMISSIONER: Oh, yes, that may be,
28 but I was just wondering, what is the largest number you
29 have known?

30 MR. MONTGOMERY: They alleged here that



1 there was about a dozen and a half in Toronto.

2 MR. KEARNS: These people go wherever there
3 is a strike in the industry and there is need for their
4 services. They are piloted around from area to area.

5 THE COMMISSIONER: But that constitutes a
6 very small establishment.

7 MR. POLLOCK: If they want to work as
8 printers, perhaps that is the only way they can work as
9 printers. I am sure the I.T.U. were not very happy to see
10 them join the union.

11 MR. MONTGOMERY: No, I would imagine there
12 would be some resentment. This is the same resentment, of
13 course, that you are talking about here, that the employee
14 has against his fellow worker who went through the picket
15 line too.

16 MR. POLLOCK: But in the total significance
17 of the strike breaker --

18 MR. MONTGOMERY: The professional?

19 MR. POLLOCK: --- situation, the profession-
20 al strike breaker, the man who advertises "We will break
21 your strike", is very insignificant.

22 MR. MONTGOMERY: Of course, it is something
23 like the black plague; you don't want very much of it. To
24 these people in Toronto who now have been out for $2\frac{1}{2}$ years,
25 they believe that their strike would have succeeded had it
26 not been for these people, so it becomes very important in
27 their minds. As a matter of fact it was important enough
28 that a couple of years before the strike they brought a
29 resolution to us to get us to endorse a resolution which
30 made it illegal for the company to import strike breakers



1 across a provincial boundary, and we endorsed that resolu-
2 tion and sent it on. Of course, like a lot of other reso-
3 lutions we pass, we get acknowledgement from the Government
4 of B.C. and that is it.

5 MR. KEARNS: The majority of those are
6 Americans.

7 MR. MONTGOMERY: Yes, it is Americans who
8 are doing this.

9 MR. POLLOCK: Apart from the Toronto news-
10 paper strike, can you think of any other strike in which
11 this very small corps of this type of people, moving from
12 one place to another, the elite corps ---

13 MR. MONTGOMERY: It is almost entirely
14 limited to the printing trades. The other cases where
15 they have used people brought in -- I don't know how many
16 years ago -- where a large chain had a strike of stationary
17 engineers and they brought in supervisory personnel from
18 plants across Canada into Toronto.

19 MR. WEISBACH: The British American Oil.

20 MR. MONTGOMERY: To run the operation.

21 THE COMMISSIONER: Take a company that has
22 3 or 4 or 5 hundred employees and all those are producing
23 employees, and they go on strike. To what extent can the
24 clerical staff or management staff maintain production?

25 MR. BUCHANAN: They have branch plants,
26 sir. Somebody referred to British American.

27 THE COMMISSIONER: Let us take one plant
28 first.

29 MR. WEISBACH: The plant at the British
30 American Oil Company in Clarkson a year and a half ago, did



1 exactly this. Long before the strike was even started they
2 had made arrangements to bring supervisory personnel in
3 from all over Canada.

4 MR. POLLOCK: But that was largely due ---
5 the success of the company's position in that strike was
6 largely due to the highly automated operation of petroleum
7 refineries.

8 MR. MONTGOMERY: That is true, but you need
9 very highly skilled people to run and maintain this equip-
10 ment. While it is limited in number, it is very important
11 you have skilled people.

12 MR. POLLOCK: There is no question about
13 that. These people who were imported or brought in, were
14 certainly highly skilled.

15 THE COMMISSIONER: I am taking 300 employees
16 now.

17 MR. MONTGOMERY: The difficulty in these
18 situations, as Mr. Buchanan started to say -- and if I am
19 wrong he will correct me in what I say -- in my industry,
20 the steel industry, a little better than 50 per cent of the
21 plants in Toronto, and we have 103 organized, are American
22 owned and these plants may have 3 or 4 hundred people. Most
23 of them are smaller, but the odd one has. They also have
24 dozens of other plants, plants that other unions have con-
25 tracts with that must produce and it is a very simple pro-
26 cedure for Plant A of, say, The Apex Manufacturing Company to
27 ship to a warehouse owned by Don Montgomery and then the
28 warehouse will ship to the Apex plant that is on strike in
29 Canada and, because the trucks go through the picket line
30 bringing this stuff in, sometimes finished, sometimes almost



1 completely finished the market is supplied and the super-
2 visory personnel and the office personnel can unload trucks,
3 do the minor assemblies necessary and maintain the market.

4 THE COMMISSIONER: Yes, but I prefer to
5 deal with a simple case first, and then you can expand it
6 into the additional factors.

7 MR. BUCHANAN: One isolated plant with no
8 other means of getting production except within that 4 walls?

9 THE COMMISSIONER: Yes, that is what I
10 would like to go to first.

11 MR. BUCHANAN: With 2 or 3 hundred people
12 and a supervisory staff.

13 THE COMMISSIONER: Would it be possible to
14 maintain the productive activities of that plant by using
15 the office staff and supervisory personnel? That is what
16 occurs to me.

17 MR. BUCHANAN: A lot would depend on the
18 nature of the skill required, sir. You could achieve a
19 limited production, perhaps, depending. Could I cite you
20 an example? I think you had the Bakery Council down here
21 before you yesterday or the day before. I have a large
22 bakery local under my charge. A lot of that is relatively
23 unskilled help.

24 THE COMMISSIONER: Does that indicate the
25 quality of the bread we get?

26 MR. MONTGOMERY: I think you have a point
27 there.

28 MR. BUCHANAN: Sir, if we can be off the
29 record, I might agree with you. A lot of it is unskilled
30 help but there are certain key personnel there, oven people,



1 dividers, moulders and so on. It doesn't matter what the
2 terms are, it could apply to any other operation. Provid-
3 ing you find enough supervision to operate that, then your
4 whole bunch of office skills and so on, could perhaps be
5 utilized and produce. But there is the selling end and
6 you certainly could not deliver with office skills and such
7 staff. You may be able to close it down and that would be,
8 in effect, a strike in those terms, if he cannot get sup-
9 plies from one of his friends in the bakery business.

10 MR. POLLOCK: They told us yesterday they
11 don't have any friends in the baking industry.

12 MR. BUCHANAN: That, sir, I would say is a
13 slight distortion of the facts because we have experienced
14 many strikes in the baking industry and the other places
15 can gear up to supply if they so choose.

16 MR. MONTGOMERY: But, generally speaking,
17 the amount of production that the office and supervisory
18 staff could put out, would be very limited, generally
19 speaking.

20 THE COMMISSIONER: I can understand that
21 they could certainly facilitate the delivery of manufactured
22 goods or any sort, whatever they might be, from a warehouse
23 or a plant, but I have in mind now, the productive activity.

24 MR. MONTGOMERY: You see, sir, prior to a
25 strike, when each party arrives at the conclusion of a
26 strike, which it is very likely will occur, the union wants
27 to curtail overtime to keep the production down; the com-
28 pany wants to get warehouses full of material. Now the
29 principles established through arbitration procedures say
30 that you are expected to work a reasonable amount of over-



1 time. I don't know what "reasonable" is. So our people
2 then see the production piling up and know the company is
3 preparing for a strike and then they want to maintain the
4 position that they had prior to this build-up of inventory.
5 If we do so, of course, we are violating the agreement
6 where we are expected to do some overtime. This is one of
7 the areas where the unions are at a disadvantage.

8 THE COMMISSIONER: Yes. There is this,
9 though, isn't there, to take into account: In the first
10 place I am proceeding on your view which I think has a
11 lot to commend it, that you have a personal interest in
12 that business: You want to maintain the strength of the
13 business to continue. It may keep you the rest of your
14 life, many men spend their lives in the business, so your
15 object is to preserve as well as to demand. It might be
16 that to a certain extent your preservation would depend
17 upon your ability to maintain a certain, not production,
18 but supply, where you have these manufactured products.
19 Sooner or later, that is reduced so that there again, you
20 are compelled to look to production which they cannot carry
21 on. Do you think the mere delivery of a week or two weeks'
22 excess production would materially affect the prospects of
23 a strike?

24 MR. MONTGOMERY: It is the demoralizing
25 effect, more so than the actual effect.

26 THE COMMISSIONER: Why?

27 MR. MONTGOMERY: Because the employees
28 believe this gives the company an advantage they are not
29 entitled to.

30 THE COMMISSIONER: They may believe it,



1 but is it a justifiable belief? Is there anything really
2 to support that if this extra production is going to be
3 exhausted in two weeks? I am just posing these possibilities.

4 MR. MONTGOMERY: If it is going to be ex-
5 hausted in two weeks, no, I would not think there would be
6 any real difficulty. It would make the strike last two
7 weeks longer, that is all. This is apropos of nothing,
8 really, but it relates to this. During the Lever Brother
9 strikes, where they have soaps all over the supermarkets,
10 one of the debates that the coordinating committee had was
11 whether it would be better to put a drive on to take all
12 Lever Brother products off the shelf and develop a demand
13 for the product, or to boycott it. In relation to what you
14 say, we were trying to resolve the point and then there was
15 too much union tradition to buy struck products so that
16 the idea of leaving it on the shelf won out, but it was
17 debated whether to create a demand or have it sit there.

18 THE COMMISSIONER: I quite see the relevancy
19 of that, but it reduces itself to this, you know, that every
20 new idea is looked upon as an enemy idea, you are unacquain-
21 ted with it, you are not familiar with it and if you live
22 with it for 2 or 3 months, it becomes common and you almost
23 generate a contempt towards its previous strangeness.

24 MR. MONTGOMERY: This crosses throughout
25 the whole of civilization.

26 THE COMMISSIONER: It doesn't matter what
27 the idea is, there is a resistance because it is a foreigner,
28 it is a stranger. It is like the strange boy coming into
29 a new community.

30 MR. MONTGOMERY: We are aware of this in



1 contract negotiations. Some unions, at least my union,
2 introduce a new idea such as pensions, knowing that the
3 employer won't accept the idea, it is too revolutionary,
4 but in preparing his arguments to oppose it, he has to
5 become familiar with the whole subject at once, and as you
6 suggest, he becomes familiar. It is not such a revolutionary
7 thing, it becomes a matter of how much it is going to cost
8 him.

9 THE COMMISSIONER: Exactly, he resolves
10 that, ultimately, by a consideration of the factors which
11 he should have had in mind first. Examine an idea, don't
12 run away from it.

13 MR. MONTGOMERY: Well, we are as much
14 offenders as any other group. We have our sacred cows and
15 our traditions and it takes a lot of determination.

16 THE COMMISSIONER: The first step is to be
17 aware of that fact.

18 MR. MONTGOMERY: We are aware of it. I
19 don't know how much it goes beyond that.

20 MR. BUCHANAN: Surely the problem goes
21 beyond that. I think in union-management negotiations, it
22 is realized ultimately that the employer will come back to
23 the bargaining table and there will be a resolution of the
24 strike and there will be a restoration of jobs and of
25 supplies and markets and everything else. And, given a
26 little time to cool off after the initial walkout, he will
27 be prepared to be reasonable and realize "Well, sooner or
28 later we have got to go back and get to the table". It is
29 where the employer obviously takes the attitude "I am never
30 going back to the bargaining table with these people or



1 this union as such. I am going to import, I am going to
2 induce scabs to come through, amateur, or professional or
3 what have you. I am going to find other avenues of supply".
4 It is where you get into these situations particularly,
5 that the temperature mounts and the injunctions come in and
6 the scab-calling and so on. I think an honest difference
7 of opinion, which strikes can be - there are many strikes
8 which don't make the headlines because they all end up
9 amicably, or relatively amicably.

10 THE COMMISSIONER: Of course I don't want
11 to have any implication that I think the obstinacy is
12 always on one side. We had something illustrated yesterday
13 in the case of negotiations with bakeries in which the
14 obstinacy and in which the intimidating demands came from
15 labour and they were spelled out - "We want this and we
16 will take nothing else". Now, I think that springs from
17 the idea which is generated by both sides, that this is an
18 engagement in a civil war and you used the terms of warfare
19 which, I must say, were more appropriate a thousand years
20 ago than they are for the present period. So, if you could
21 get a new vocabulary, there is something that you may gen-
22 erate, a new vocabulary, in which to speak of these differ-
23 ences, rather than struggling warfare, not even competition
24 but struggling warfare, where you aim at destruction which
25 is not a factor at all, then you might make some headway.

26 MR. MONTGOMERY: Well, with due respect, I
27 often find that the employer gets the type of union reaction
28 he deserves.

29 MR. POLLOCK: And vice versa, I would say.

30 MR. MONTGOMERY: Well, I suppose, you



1 represent the public, I am representing the labour movement.
2 You can say it but I would be unwise to say it.

3 MR. BUCHANAN: I think it is not necessarily
4 true, either. The employer is there, the union comes and
5 he comes with an attitude - or the union comes with an
6 attitude which is reflective of the employees to the employer
7 and usually the first agreement, or the first set of nego-
8 tiations will establish the relationship between the union
9 and the company for many years. We now have an excellent
10 relationship with Rowntree Chocolate Company, for example,
11 in Toronto, with 500 or 600 employees. It took a strike
12 on the first agreement to establish that but 20 years later
13 we have an excellent relationship. For the first 5 or 10
14 years it was the worst possible relationship you could think
15 of. The employer, first of all, if he is sufficiently
16 sophisticated on the first entry of the union, to accept it
17 as a part of society, to sit down and negotiate, will find
18 his way smoothed a lot - not always, I realize that. As
19 Don says, we have our prejudices and biases and so on.

20 You talked, sir, about terms of warfare.
21 This becomes an argument in semantics. Very often in the
22 press you will find that very often our suggested amendment
23 to the collective agreement, sometimes becomes translated
24 as "demands".

25 THE COMMISSIONER: That is a word that ought
26 to be proscribed.

27 MR. BUCHANAN: I suggest that the union's
28 requests are not always demands. "Demand" has the connota-
29 tion that "this is going to be, or else" whereas a request
30 for amendment or modification is something a little different.



1 MR. MONTGOMERY: One of the reasons I
2 suggest, that the reaction the company gets is of their
3 own making, is that the union really affords their employees
4 a voice for the first time.

5 THE COMMISSIONER: They what?

6 MR. MONTGOMERY: The union really affords
7 the employees a voice for the first time; in other words,
8 for the first time without a union, I don't know how you
9 have a two-way communication system. It comes down from
10 the office upstairs to the superintendent to the foreman to
11 the employee. How do the employees get back up? And re-
12 sentment lasts a long time. I recall in Renfrew, Ontario,
13 in the mid-forties, sitting in a meeting of employees of a
14 company there, who were drawing up their amendments and one
15 chap wanted an amendment that there would be no 30 per cent
16 reduction in wages and I asked him "Why 30 per cent?". He
17 said "In 1919 this company cut my wages 30 per cent". He
18 remembered 1919 at 1945, near the end of the war. He didn't
19 want to lose that money and he put that specific amount in.
20 I suppose if the company cut his wages 29 per cent, he would
21 not have a case, but this is what he had kept in his mind
22 for that period. So this resentment that is there or the
23 desire to correct what they thought was poor treatment over
24 the whole working life, come into the first agreement. You
25 have sometimes a wonderful and weird collection of amend-
26 ments that these people want in because many of them have
27 something that they want to correct that happened to them
28 or one of their workmates. Therefore, I say the union is
29 the voice of these people. If the company has been unfair,
30 then they want to strike back. The worse reputation the



1 company has when we start organizing, usually the worse
2 the relationship is.

3 THE COMMISSIONER: I suppose also, that in
4 cases like that you mentioned, that may lie behind strikes.

5 MR. BUCHANAN: Yes, sir. Part of our pro-
6 blem -- although I do not think this is a proper subject
7 for this Commission -- is the fact that between collective
8 agreements, and under the Labour Act, we can only strike
9 at a certain time, after certain steps have been complied
10 with, you will find the company -- and I think George Burt
11 will probably cite you a lot of cases -- will make a col-
12 lective agreement partly in good faith and everything else
13 and two days later bring in an automated system which will
14 wipe off 10 per cent or 20 per cent of the employees' jobs.
15 Now, the company obviously knew, at the time of the collec-
16 tive agreement, that this was going to happen. We can't
17 do anything about it.

18 THE COMMISSIONER: Yes. Mr. Justice
19 Freidman had the same situation on his Commission.

20 MR. MONTGOMERY: We, as an organization,
21 believe we have a public responsibility, and one of the
22 things that concerns us about injunctions and compulsory
23 arbitration, is the fact that our members, because of a
24 number of other situations; these bankruptcies and finance
25 companies and the failure, apparently, of anything being
26 wrong with mayors accepting gifts from pipeline companies
27 who want favours, and other experiences with law -- that
28 our membership is beginning to think that the courts are
29 not really as good as they should be, that they blame the
30 courts for the laws. We feel that, if out of this report



1 you are going to prepare that there can be some way, some
2 changes made that would make it a better law so that the
3 people feeling, in administering it, that the law is not
4 being used against them, it would be helpful to our whole
5 society, because we must maintain respect for law and order
6 and anything that detracts from that is against the public
7 interest and we should take some steps to see that this
8 sort of situation that you have been going over for these
9 last few days, is changed, so that it appears to be fair
10 and is fair, rather than us coming before you with these
11 biased ideas, all of us biased, because we find this law
12 to be unpalatable. Now, if you can come up with some way
13 to help this, it will be not only a service to organized
14 labour and the employer, but it will be a service to the
15 whole community that the law should be held in high regard.

16 THE COMMISSIONER: There is no doubt that
17 this is a vital problem. I think it goes to the roots of
18 democratic government, really. All we can do is our best.

19 ---Short recess
20

21 MR. MONTGOMERY: I think, sir, I notice
22 from the questions we have been going back and forth over
23 the pages of the brief. It might be just as wise now, sir,
24 if you go ahead and discuss the brief.

25 If I may, sir, we have what we call a Union
26 Representatives and Business Agents Association. At the
27 luncheon, Dalton Bales, the new Minister of Labour
28 is going to be our guest. I wonder if we might adjourn at
29 about 12:15?

30 THE COMMISSIONER: Yes, certainly.



1 MR. BUCHANAN: And return about 2:00?

2 THE COMMISSIONER: Yes.

3 You used one word I would like to have you
4 elaborate a bit - "demonstration". What have you in mind
5 by "a demonstration"?

6 MR. MONTGOMERY: Well, this example we cite
7 in our brief, of course, for example, A.R. Clarke, we had
8 2 or 3 thousand people, a public address system, somebody
9 made a speech.

10 THE COMMISSIONER: Where did you meet?

11 MR. MONTGOMERY: This was on the street in
12 front of the plant.

13 THE COMMISSIONER: What was the plant?

14 MR. MONTGOMERY: The plant was A.R. Clarke.
15 It was a tannery with about 350 or 400 people working there.
16 The first contract was with the fur and leather workers
17 which is part of the meat cutters' union. It is a division
18 of the meat cutters and butcher workmen's union and they
19 struck to get a first contract. Now they have a contract
20 and have had two renewals since that time. From what the
21 business manager of the fur and leather workers tells me,
22 Mr. Federman, they have a good relationship now with the
23 company.

24 THE COMMISSIONER: What were the circum-
25 stances of the events leading up to the strike? It was a
26 recognition strike?

27 MR. MONTGOMERY: No, they were certified
28 by the Labour Relations Board. There was an issue over
29 wages.

30 THE COMMISSIONER: A first agreement?



1 MR. MONTGOMERY: Yes.

2 THE COMMISSIONER: And they couldn't agree
3 and they went on strike?

4 MR. MONTGOMERY: Yes.

5 THE COMMISSIONER: How long did the strike
6 continue before this demonstration?

7 MR. MONTGOMERY: Several weeks. I thought
8 it would be about 7 or 8 weeks. Mr. Weisbach said it was
9 4 months but it was well on into the strike.

10 THE COMMISSIONER: Was the work in the
11 plant stopped?

12 MR. MONTGOMERY: No, some people went
13 through the picket line and worked there and they hired
14 some new people.

15 THE COMMISSIONER: About to what extent?

16 MR. WEISBACH: Well, Mr. Commissioner,
17 actually the company claimed at that time it was producing
18 fully, to the same extent as they were before and I remember
19 because I handled the question of unemployment insurance
20 for the people at that time. Under the Unemployment Insur
21 ance regulations, they could take unemployment insurance
22 if the company produces or claims to produce at least to
23 the extent of 85 per cent of previous production and this
24 is what the company said they were doing. So, according
25 to their own statement, they must have had a pretty near
26 full production during the period of the strike.

27 THE COMMISSIONER: And were they gradually
28 increasing the output?

29 MR. WEISBACH: Yes.

30 THE COMMISSIONER: And taking more men on?



1 MR. WEISBACH: Taking more men on.

2 THE COMMISSIONER: Hiring them from the
3 outside?

4 MR. WEISBACH: Hiring them from the outside.

5 THE COMMISSIONER: How many of their own
6 men went back, approximately?

7 MR. WEISBACH: About 20 per cent, I would
8 say.

9 THE COMMISSIONER: And the demonstration
10 took place on the street? You said there were how many,
11 2,000 or 3,000?

12 MR. MONTGOMERY: 2,000 or 3,000.

13 THE COMMISSIONER: That would prevent
14 very much movement on the street around that plant.

15 MR. MONTGOMERY: Well, there were large
16 police detachments there. I don't believe the reason the
17 employer came back to the table was the fact that they lost
18 one day's production; I think he may have been impressed
19 with the fact that after all this period of time that many
20 people were prepared to come out at 7:00 o'clock in the
21 morning.

22 THE COMMISSIONER: And where did these
23 people come from?

24 MR. MONTGOMERY: Well, all the original
25 strikers who were still on the picket line came and they
26 came from all unions, the auto workers, steelworkers,
27 retail - wholesale, bartenders - it was pretty representa-
28 tive of all the affiliates of the Labour Council who worked
29 in that general area. They did not come in from Rexdale,
30 or anything like that, but generally from that area.



1 THE COMMISSIONER: Was that in the City?

2 MR. MONTGOMERY: Yes.

3 MR. POLLOCK: What is the physical or
4 geographical position of the plant?

5 MR. WEISBACH: Eastern Avenue.

6 MR. POLLOCK: Which is an industrial area.

7 MR. WEISBACH: Yes.

8 THE COMMISSIONER: And you assembled there
9 in the morning at 7:00 o'clock?

10 MR. MONTGOMERY: Yes.

11 THE COMMISSIONER: Did they have banners
12 or placards?

13 MR. MONTGOMERY: They had signs saying that
14 the Newspaper Guild supported it, or some other union sup-
15 ported it - clothing workers.

16 THE COMMISSIONER: Was there any deterrent
17 to entrance to the plant?

18 MR. WEISBACH: No, I think, Mr. Commissioner,
19 it was simply a sympathy demonstration carried on, opposite
20 the plant and in the street. The demonstration itself did
21 not interfere with anybody who wanted to enter the plant but
22 it was simply an expression of, you might say, solidarity
23 and sympathy with the people who were on strike. The dem-
24 onstration itself did not make any effort to stop anybody
25 from going in.

26 THE COMMISSIONER: Did people go in?

27 MR. WEISBACH: Yes, they did.

28 THE COMMISSIONER: Both classes you have
29 mentioned, strike breakers and employees?

30 MR. WEISBACH: Well, strike breakers,



1 generally, yes.

2 THE COMMISSIONER: What was carried on?
3 Were there addresses or speeches?

4 MR. WEISBACH: There were short speeches.

5 THE COMMISSIONER: Did they have a platform?

6 MR. MONTGOMERY: A sound truck.

7 MR. WEISBACH: I think it was taken from a
8 sound truck, a microphone.

9 THE COMMISSIONER: What do you mean by that?

10 MR. MONTGOMERY: A panel truck with large
11 speakers on top and the unit inside.

12 THE COMMISSIONER: How long did that demon-
13 stration last?

14 MR. WEISBACH: About an hour and a half.

15 MR. POLLOCK: From 7:00 o'clock until 8:30?

16 MR. MONTGOMERY: Well, actually it started
17 a little before 7:00 - roughly that time. You don't assemble
18 that many people in just an hour and a half.

19 THE COMMISSIONER: And the police were in
20 numbers there?

21 MR. WEISBACH: Yes.

22 THE COMMISSIONER: And what was the con-
23 clusion of it? Did they just separate?

24 MR. WEISBACH: Yes.

25 THE COMMISSIONER: How long after that were
26 negotiations renewed?

27 MR. MONTGOMERY: Within the week.

28 THE COMMISSIONER: And at that time, how
29 many strike breakers had been employed, approximately - it
30 would be 65 per cent?



1 MR. MONTGOMERY: About that.

2 MR. WEISBACH: I think the original employ-
3 ment was in the neighbourhood of 400 or 450 and I think at
4 that time they had working pretty close to 400, I would say.

5 THE COMMISSIONER: What were the terms of
6 the agreement in relation to employees on strike, who did
7 not go back?

8 MR. WEISBACH: Well, as far as I remember,
9 all the previous people who were employed at the plant,
10 were reinstated.

11 THE COMMISSIONER: Were these other strike
12 breakers let go?

13 MR. WEISBACH: Pretty well, yes - most of
14 them anyway.

15 MR. POLLOCK: What about the scabs, if you
16 can call them that?

17 MR. MONTGOMERY: There were some people who
18 didn't go back, they had got other employment so part of
19 the original work force of something under 400 who struck
20 were depleted by those who found other employment and didn't
21 return.

22 MR. WEISBACH: This, of course, happens in
23 every strike.

24 MR. MONTGOMERY: Also the turnover among
25 the people who had gone through the picket line, the strike
26 breakers was high enough that that helped take care of the
27 thing itself. It is a tannery, it is not the most pleasant
28 place to work and some people who never worked in a tannery
29 might work to get one pay cheque and not come back and the
30 turnover among the strike breakers was substantial enough



1 that over a period, I think, 6 weeks, the whole thing
2 adjusted itself.

3 MR. POLLOCK: What happened to those people,
4 the previous employees, who crossed the picket line and
5 went back? Were they reinstated? Did they continue in
6 employment?

7 MR. WEISBACH: Yes.

8 MR. POLLOCK: What is their position as
9 far as the union is concerned?

10 MR. WEISBACH: As far as I know now they
11 are all members of the union.

12 MR. MONTGOMERY: It is pretty difficult to
13 say. I remember - it depends on the memory of the people
14 involved. I remember when I was down in Belleville with
15 a friend of mine, the late forties, walking down the street
16 and he says to some chap walking by, "Hello scabbie". When
17 we went by I said, "That is an awful name to call anybody"
18 and he said "Well, that is his nickname". I said, "Well,
19 how would you earn a nickname like that?". He said "Back
20 during the railway strike in the first world war, he went
21 through the picket line and he got a nickname 'Scabbie' and
22 he has been called that ever since then". It depends on
23 the individual. Some departments may be in complete harmony,
24 others may have friction. You would have to get some grad-
25 uate students to make some kind of survey to answer with
26 any degree of accuracy.

27 MR. POLLOCK: But, as far as the unions
28 are concerned they service the grievances and so on?

29 MR. KEARNS: They have their own internal
30 method of dealing with it, crossing the picket line and all



1 than.

2 MR. POLLOCK: What is that?

3 MR. KEARNS: Penalize them sometimes with
4 a fine.

5 MR. MONTGOMERY: In this case there were
6 no fines. They decided, if you will pardon the expression,
7 sir, that the war was over and we had to live together.

8 MR. POLLOCK: You didn't shoot the traitors?

9 MR. MONTGOMERY: During the strike it might
10 have been a very popular cause if it had been suggested.

11 MR. POLLOCK: I recall they picketed some-
12 body's house.

13 MR. MONTGOMERY: Yes, sometimes they do
14 this.

15 THE COMMISSIONER: The internal condition
16 of the plant could not have been wholly successful where
17 there was such a turnover of workers.

18 MR. MONTGOMERY: All the tanneries work
19 with a number of unskilled workers.

20 MR. BUCHANAN: It is very unpopular, I have
21 had some personal experience.

22 THE COMMISSIONER: Can you give the cause
23 of the changed attitude of the employees?

24 MR. MONTGOMERY: I think the employer
25 realized that, as you suggested, he got used to the idea
26 that it was going to be union and he makes the kind of
27 adjustment we all do when we become a little more familiar
28 with what is going to happen. I think, also, that the
29 attitude taken by Mr. Federman during the discussions with
30 the manager would give the manager some assurance that things



1 were not going to be as bad as he maybe had first thought
2 they were going to be.

3 THE COMMISSIONER: Mr. who?

4 MR. MONTGOMERY: Federman, he was the union
5 negotiator in this thing.

6 MR. POLLOCK: Does the Council differentiate
7 between legal and illegal strikes or activity before lending
8 their assistance in this regard?

9 MR. MONTGOMERY: We do not become involved
10 in illegal strikes, unlawful strikes. In fact, the affil-
11 iates - the only knowledge we have of them is we have a
12 place on the agenda where there is a report of unions and
13 they get up and report, "Our union has signed an agreement"
14 or "Our union has been certified for a new group of employ-
15 ees", whatever they think is of interest to the other dele-
16 gates. Sometimes under this they may report that a wildcat
17 strike is taking place or has taken place. One case recently
18 was the one with Gallagher on the matter of safety in the
19 tunnelling. He pulled the men off the job for safety
20 reasons. It was reported to us at the Council meeting, the
21 reasons for it, but we were not asked to lend any support
22 to it; it was just informed information.

23 MR. POLLOCK: By "wildcat" you mean anything
24 unlawful?

25 MR. MONTGOMERY: That is right.

26 MR. POLLOCK: For the purposes of this
27 Hearing, can we define "wildcat" to mean those activities
28 participated in by the union members not sanctioned by the
29 union and anything else that is unlawful or premature, as
30 unlawful or illegal strikes?



1 MR. MONTGOMERY: Yes.

2 MR. POLLOCK: Do you assume any duty or
3 responsibility to counsel against or discourage the illegal
4 activity that precipitates the strike or premature strike?

5 MR. MONTGOMERY: I am not going to avoid
6 answering. We don't get involved unless we are invited in.
7 We have no authority. If you, for example, are a strike
8 leader and you have a strike, we do nothing unless you ask
9 us for assistance, because this is the role we must play.
10 We are only a supporting council, we have no right to tell
11 them to strike or not to strike. If they ask us for advice
12 we will advise them.

13 MR. POLLOCK: You would not say, in a case
14 of violent picketing or illegal strike or anything like
15 that, you wouldn't at any of your meetings say to the re-
16 calcitrant parties "Well, you shouldn't do this, it is
17 illegal, why don't you go through the steps and not give
18 the labour movement in general a black eye"?

19 MR. MONTGOMERY: We have not been faced
20 with that situation. Obviously, we would give them the
21 type of advice that would assure them, be the greatest
22 assurance of success possible and violence does not assure
23 success.

24 MR. POLLOCK: Henry Ford thought it did.

25 MR. BUCHANAN: That is one of the reasons
26 why we are here today, I think.

27 MR. POLLOCK: You discuss in your memoran-
28 dum, on page 3, and I think particularly on page 8, picket-
29 ing and the purpose of picketing. Now, could you tell us
30 what you think the purposes of picketing are, whether they



1 actually reflect all the issues involved and whether the
2 courts and the laws recognize the validity of your defini-
3 tion of picketing? Just as a jumping off point, I draw
4 your attention on page 8 to this, where you say:

5 "What constitutes peaceful picketing
6 or informational picketing is not
7 clearly defined in any statute but the
8 courts have apparently decided that
9 picketing for communicating informa-
10 tion or for subtly and gently persuad-
11 ing others to join the strikers in
12 their picket line is a lawful act
13 but, as far as the rank and file on
14 the picket line is concerned, the
15 purpose of a picket line is to see
16 that the plant remains closed and the
17 scabs are not permitted to pass through
18 the line and that the strike breakers
19 are not brought in by the employer."

20 Now, could you elaborate on that?

21 MR. MONTGOMERY: I don't think I need to
22 elaborate on the first part of that. The part about infor-
23 mational picketing and communicating information, and
24 subtly persuading others can be covered by the fact, as I
25 mentioned earlier, that there is a social stigma to go
26 through the picket line, not only held by your fellow
27 workers but by management themselves, who will look upon
28 some of these scabs after the strike is over as something
29 less than a first class member of their group. So that
30 the "subtly" part is that some people will scab if nobody



1 knows about it. They will do it in the dark or something
2 like that. They are aware of the significance of being
3 termed a scab after the strike is over and this will deter
4 them if they know it is going to be known. If they see
5 their friends or someone they know on the picket line --in
6 the large operation of a thousand or 500 people, there
7 will be some people in the plant that others don't know
8 and if they see the man on the next machine carrying a
9 picket sign and they go through and he knows that his name
10 is George Smith and he has three or four children and that
11 they bowl together and they used to share their lunch
12 periods together and maybe play cribbage or euchre together,
13 he will be more concerned with the fact that his friend
14 knows he is going through and it may end their relation-
15 ship and be held against him for a long time. This is
16 what I mean by the subtler aspects of it. If you have a
17 limited picket line of one or two people, obviously you
18 are not going to have enough pickets who will know all the
19 employees and this subtle persuasion, if that word is cor-
20 rect -- if I am using it correctly in your view -- ceases
21 to be a factor because you don't know who they are. Some-
22 body says, "There is a big guy with a black windbreaker on
23 and wearing a hunting cap, who looked about 200 pounds"
24 well, nobody is quite sure who he is. He may be prepared
25 to go through a picket line with this limited number of
26 pickets who don't know him as an individual by name.

27 MR. POLLOCK: What is the basis of his
28 judgment to cross that picket line?

29 MR. MONTGOMERY: It depends on the indivi-
30 dual. I don't quite understand the question.



1 MR. POLLOCK: He must decide whether he
2 is going to cross the picket line on the basis of some
3 judgment. Either he has to determine he is going to stick
4 it out and hold off with the strike until they get their
5 demands -- I use the word "demands" -- requests, that the
6 union is putting forward for benefits, or he is prepared
7 to go back and work on the basis of what he was getting
8 before.

9 MR. MONTGOMERY: There could be any number
10 of reasons.

11 MR. POLLOCK: An individual choice.

12 MR. MONTGOMERY: For example, his wife
13 might decide that he should go back to work because they
14 need the money badly. The foreman may phone him up and
15 persuade him or induce him by any means to come back to
16 work, that there will be a better job for him, or if he
17 does not come back he will never come back. Sometimes the
18 company sends letters to their homes making certain sug-
19 gestions, "If you don't come back, we will hire somebody
20 to do your job". There could be any number of reasons.

21 You explain this one to me: In 1943 we had
22 a strike in Hamilton Bridge in the City of Hamilton, and
23 it was a wildcat strike. They used to work until noon on
24 Saturday in those days, and they came down from the plant
25 to the old Labour Temple on Catherine Street and almost 90
26 per cent of them came down and there were all kinds of
27 speeches full of fire and brimstone, and one man got up
28 and moved they go on strike and another man got up and
29 seconded the motion. Three days later there were two scabs
30 went through the picket line: Guess who they were -- the



1 man who moved they go on strike and the man who seconded
2 the motion. Now, you explain to me how they could be so
3 full of the desire to fight on Saturday and by Wednesday
4 morning they are going through the picket line -- the ones
5 who initiated the motion and got them all out on the street.
6 Now, we could not find out because after he went through
7 the picket line we lost communication with him.

8 THE COMMISSIONER: What do you think of
9 the idea of a secret vote immediately before the strike
10 is taken?

11 MR. MONTGOMERY: The steelworkers union
12 make a practice of this because we want to know the real
13 feeling of the people too. The issue here, I think, sir,
14 is not the matter of a secret vote, it is a matter of who
15 takes the secret vote.

16 MR. POLLOCK: And in addition to that it
17 is a matter of the timing -- when the vote is taken, whether
18 it is taken before negotiations or a month before the
19 strike or whether it is taken after the last offer of the
20 company, so to speak, and when you are on the verge of not
21 accepting it and then going on strike.

22 MR. MONTGOMERY: The steelworkers union
23 uses the secret vote. My own personal opinion is that a
24 secret ballot is desirable, not only from the democratic
25 point of view but it is desirable because it gives you a
26 better view of the employees' personal feelings.

27 THE COMMISSIONER: You think you would
28 get that, really?

29 MR. MONTGOMERY: Well ---

30 THE COMMISSIONER: Feelings, at least at



1 the time being -- at that moment.

2 MR. MONTGOMERY: In a large operation, if
3 we took a strike vote at the Steel Company in Hamilton, we
4 take a vote just like ratifying an agreement and we have a
5 referendum vote at the plant gate lasting about 48 hours
6 and you come in with your membership card and it is marked
7 and stamped and you get a ballot and you go into an area
8 and mark it and put it in the ballot box. Now, this is how
9 we ratify an agreement and this is how we take a strike
10 vote, and have taken a strike vote. As far as your ques-
11 tion is concerned, Mr. Pollock, about taking a ballot to
12 strike after the last company offer, I would doubt that it
13 is necessary because you take a ballot on whether it is
14 accepted and we tell them "Either you accept the agreement
15 or you are now going to follow through on your previous
16 decision and go on strike". There is no tomorrow. There
17 is no manoeuvring any more. "You either accept this or
18 be prepared to close the plant down." So, you do have
19 that. In every case I know of, they do vote on the company
20 offer.

21 MR. BUCHANAN: You may have two strike votes.
22 You may have the vote earlier, within the general confines
23 and whether it be a two or three month period, you may have
24 a strike vote -- but the last offer of the company or the
25 last report of the negotiating committee constitutes in
26 itself a strike vote because it is axiomatic; you will say
27 to the people "This is it".

28 MR. POLLOCK: Not necessarily, because it
29 might mean you go back to bargaining again in rejecting
30 that offer, and you may be forced to because of the fact



1 you have not gone through conciliation proceedings.

2 MR. BUCHANAN: Oh, we are talking about
3 legal strikes.

4 MR. POLLOCK: Some votes are taken before
5 conciliation proceedings are gone through.

6 MR. MONTGOMERY: Well, this becomes part
7 of the bargaining tactics. Some companies are more impress-
8 ed with a strike vote being taken and in your own mind you
9 will think you'll stimulate their minds, that the offers
10 will become better more quickly if they think they have
11 time to do things. Some people don't believe their employ-
12 ees will strike and you do this to prove that a strike is
13 possible.

14 THE COMMISSIONER: What do you think of
15 the taking of a vote on the ratification as opposed to
16 authorizing the delegation who is negotiating the authority
17 to close an agreement?

18 MR. MONTGOMERY: Well, wherever possible,
19 I would prefer to have the membership ratify it because
20 this is part of the process that we believe to be a demo-
21 cratic one.

22 THE COMMISSIONER: Well, just let us look
23 at that: Democracy does not mean that every act of
24 government is going to be passed upon by every voter in a
25 community. You can't do that. You must have agents. You
26 must have delegates. The only question is that here you
27 select a group of negotiators who, I suppose, are so
28 selected because they are best qualified to carry on nego-
29 tiations. Then, when the result of that negotiation is
30 agreed to, so far as they are concerned, it is submitted



1 to the mass of people who are not as good in judgment, I
2 would say, as the negotiators, and yet they say, "No, you
3 have got that much today, you will get something more
4 tomorrow".

5 MR. KEARNS: When governments are elected,
6 the members of that government are given that power. That
7 does not apply in the trade union movement.

8 MR. POLLOCK: Why not? Ought it to?

9 MR. BUCHANAN: Mr. Commissioner, may I use
10 your own terms to answer you? You are talking really about
11 the body politic delegating to that negotiating committee
12 the authority to close an agreement, and you say that
13 democracy does not -- the people do not necessarily pass
14 on everything, but you have used the terms that we talk
15 about - "war" and "conflict" and so on. Surely, it would
16 be highly desirable in society if people at large could
17 pass on declaration of war.

18 THE COMMISSIONER: Yes, on certain things
19 -- the declaration of war.

20 MR. BUCHANAN: Well, if you can construe
21 a strike as a war, then we would prefer to know that our
22 troops are behind us.

23 THE COMMISSIONER: They are behind you by
24 the very fact that they have appointed you or selected you
25 to negotiate.

26 MR. BUCHANAN: That is right, but they can
27 turn us out just the same as we turn out our elected
28 representatives.

29 MR. MONTGOMERY: Actually, sir, sometimes
30 - you mentioned earlier that the committee brings the



1 recommendation in and they say "Go back and get some more".
2 It has been happening lately that when you did go back to
3 get some more, you did get some more so it proved the
4 membership were right on these cases.

5 THE COMMISSIONER: Well, you know, you can
6 have agreement between the two parties which is based upon
7 the prospect of passing that extra to the public. You may
8 not only pass it to the public in prices but you pass it
9 to the public also, conceivably, in the destruction of the
10 value of money. Nobody wants that.

11 MR. MONTGOMERY: Well, I agree that the
12 public should have some benefits passed to them but I don't
13 know of any case where it has happened. I know that some
14 years ago, the steelworkers union proposed that they would
15 forego a wage increase if the company would proceed then
16 to pass the recent price increase on to the public and the
17 steel companies were not very interested in that.

18 THE COMMISSIONER: I don't say the whole
19 thing is to be decided on that note at all, but I think it
20 is a feature of these negotiations which prevents a better
21 spirit of compromise. If the management say, "Well, now,
22 what is the sense of our agreeing to the maximum that we
23 can afford", assuming that they are acting in good faith
24 and they say "When we consider the necessity of maintain-
25 ing this plant, of providing for the future, of making
26 permanent the interest which belongs to the employees as
27 much as to us, we can go only so far but if we go that
28 far today and then tomorrow it will be, say, we must go
29 beyond that". That is the danger.

30 MR. BUCHANAN: Couldn't they possibly have



1 a meeting of shareholders and discuss some of the proposi-
2 tions?

3 THE COMMISSIONER: I think that is all
4 placed in the hands of the directors.

5 MR. MONTGOMERY: With all due respect, sir,
6 I think you would be building a situation where the member-
7 ship would then put limitations, they would instruct when
8 they are drawing up their amendments, the committee, that
9 they would not settle for less than so much money. They
10 would put floors under the committees. They would not
11 permit them to have any bargaining power, any power to
12 negotiate.

13 THE COMMISSIONER: On what do they base
14 that now? What do they base "We want so much or a strike"
15 - what considerations lie behind that in the minds of the
16 ordinary member?

17 MR. MONTGOMERY: It is difficult to answer
18 but these are some of the things - what the plant next door
19 is paying, what their competitors are paying, maybe what
20 their brother-in-law is getting for being a machinist in
21 a company the other side of town.

22 THE COMMISSIONER: Those things are in
23 their minds, I dare say.

24 MR. MONTGOMERY: In fact, right now we
25 are faced with a problem of the settlement in Montreal
26 for Expo and the settlement of longshoremen, if it is good
27 enough for those Frenchmen down there, we should get as
28 much up here.

29 THE COMMISSIONER: Because they won't take
30 into account there that they couldn't afford to have a



1 strike there, they have got to buy at an extra price because
2 of the character of the work. This has been advertised to
3 the world now, "Come to Canada and help the mass of Cana-
4 dians" - not a few people, but the mass of Canadians, and
5 for that they must have the attraction and it goes with
6 the world exposition. You see, that whole thing might be
7 ruined by a strike.

8 MR. MONTGOMERY: Well, I have a little
9 problem, maybe you can help me. I am negotiating for a
10 company now that has three different plants. One of the
11 members of the committee has come across a report of the
12 Economic Council, where they say the wage increases in 1966
13 average out 7 per cent per year and he feels if the Economic
14 Council reports this, it must be a reliable figure and his
15 company should do as much for him. This company doesn't
16 feel they can do as much for him. So this is the sort of
17 thing that goes on. Many cases, sir, people make decisions
18 and then they proceed to find out reasons why they come to
19 that decision.

20 THE COMMISSIONER: Yes, I understand that
21 perfectly.

22 MR. MONTGOMERY: People make up decisions
23 for what should be the right amount of money they receive.
24 It could be that the press carries stories about the average
25 increases in Canada or some other report. It could be that
26 their competitor has negotiated a contract with our union
27 there for X number of cents an hour. It could be that a
28 fitter believes he should get as much money as a machinist
29 and that would require he get 18 cents an hour more than
30 he is getting to bring him up to that level. Everybody



1 relates what their wages should be to whatever shows in the
2 area.

3 THE COMMISSIONER: "What is the highest
4 wage that is paid within the range of my understanding."

5 MR. MONTGOMERY: This isn't really true,
6 sir, in all cases. I know in this case I mentioned, they
7 refer to some huge American companies and they know their
8 company can't afford to pay those kind of wages and they
9 are not shooting for those.

10 THE COMMISSIONER: There have been cases
11 of just such demands as that which has sent the company
12 into bankruptcy - not many, I daresay, but there have been,
13 it is possible. All I would do is refer you to the con-
14 ditions in England today. There is a case where the govern-
15 ment has deliberately, over a period of 100 years, abstained
16 from any unnecessary participation in labour matters. They
17 leave the labour alone and management alone and let them
18 settle the thing for the benefit of England. But what has
19 happened under a labour government? They find that that
20 is not enough, that the response of labour to the necessity
21 of maintaining the very life of Great Britain, is not
22 sufficient and they put the thing into law so that your
23 wages are fixed, the prices are fixed. So, you see, you
24 do come to conditions in which men take into account in
25 their demands, things that can't be granted.

26 MR. MONTGOMERY: The wage level did not
27 arrive at where it is, sir, without some management agree-
28 ing that it is all right.

29 THE COMMISSIONER: I daresay so but remem-
30 ber this: As I intimated, you can get management to agree



1 to labour as the steel company was prepared to deal in the
2 United States, because all they do is just shift it over
3 to the public and they are in a position to do that because
4 there is monopolistic control. Labour has monopolistic
5 tendencies in fields of government as well as capital.

6 MR. BUCHANAN: If you wish to look at
7 government, you will see the labour government in England
8 now is having to cure some of the ills of previous govern-
9 ments.

10 THE COMMISSIONER: I don't think the
11 history of labour relations in England is at all anything
12 to be proud of. I think it is the opposite, but neverthe-
13 less, you come to a point where the demands of a certain
14 group cannot be reconciled to the wholesome health of the
15 total community.

16 MR. MONTGOMERY: With all due respect I
17 find that the highest paying firms in the steel industry
18 are also the most efficient, most productive. I have a
19 little story I have told from time to time, about a little
20 window manufacturer we had here in Toronto, who is now out
21 of business, who was a very fine gentleman - paid the low-
22 est wages in the industry, had a good relationship with
23 his employees, but he just was not a good businessman and
24 he is out of business. Now the union there had a choice
25 of being terribly determined and forcing his wages up to
26 his competitors', saying "Well, he is a good fellow trying
27 to make out, it is a shame to put these people out of a
28 job although they might be better working for some other
29 employer who makes the same product and who can pay him
30 more wages" and you are caught in this position of pushing



1 hard enough to bring him up to standard and maybe force
2 him out of business or saying, "Well, we will give him
3 another chance". We gave him chances for a long time and
4 he just was not a businessman. He should not have been in
5 business. His leaving the window business had nothing to
6 do with his labour rates, it was the fact that he didn't
7 make the best use of the people he had there.

8 THE COMMISSIONER: That may be, and what
9 was the result there? What about the men who were laid
10 off? Did they immediately jump up to the higher level?

11 MR. MONTGOMERY: I don't know what happened
12 to all of them. I do know that a number of them went to
13 work for the highest paying window manufacturer, you see,
14 who was, at this stage, expanding.

15 THE COMMISSIONER: I daresay, efficiency,
16 I don't know whether you are familiar with it or not but
17 Mr. Lewis dealt with that in connection with coal mines in
18 the United States. He is boasting that they have the
19 highest wages in the world "\$25 a day". And do you know
20 what the reduction in the force has been as a result of
21 that efficiency?

22 MR. MONTGOMERY: About 75 per cent.

23 THE COMMISSIONER: I will accept that. So
24 I remember in West Virginia, there were 40 thousand miners
25 walking the streets with nothing to look forward to so far
26 as that state was concerned, except that they would be
27 lent money if they wanted to enter into watchmaking or
28 something of that sort.

29 MR. BUCHANAN: Surely, sir, you would not
30 advocate that any efficient business should stay in business



1 and the employees should continue to work for low wages
2 and that inefficient production should be foisted on the
3 public?

4 THE COMMISSIONER: The question is whether
5 or not it is better to allow those men to have some parti-
6 cipation in a reasonably satisfactory life or to send them
7 out and run the risk of getting entirely new employment and
8 the destruction of what they have given most of their lives
9 to.

10 MR. BUCHANAN: Operating on that philosophy,
11 sir, we would all still be earning somewhere in the region
12 of 10 cents an hour.

13 THE COMMISSIONER: I don't think you are
14 in a position to criticize that. For the last 200 years
15 labour has criticized all aspects of progress in efficiency
16 and today you are coming to the point, which I think is a
17 sound point, that where these fundamental changes take
18 place in the history of an agreement, you ought to have
19 some means of modifying the agreement in the light of chang-
20 ed conditions. That is your position today and I think it
21 is rather difficult to assail. It is not that: all I am
22 saying is that in such a case as you mentioned, you might
23 have, as they have done in the coal mines, or should have
24 done in the coal mines, if it was done in this country, if
25 they had allowed those mines gradually to taper off and,
26 at the same time leave the employees thereby obviating assistance
27 from the public.

28 MR. KEARNS: One of the causes of the large
29 numbers walking the streets in the coal mines on the other
30 side, isn't that because of the fact that mechanization was



1 brought in after? These men would have walked the streets
2 anyway, regardless.

3 THE COMMISSIONER: Exactly. Mr. Lewis
4 boasted about it, the achievements and the triumphs of
5 private enterprise in producing the latest machinery.

6 MR. MONTGOMERY: This becomes an area where
7 you introduce automated equipment that neither labour nor
8 management on their own, can cope with because there has
9 to be a third party with the power and facilities of the
10 government. We have advocated as a union movement in
11 Canada, that there should be some government agency with
12 management and labour and the public involved that would
13 look after relocating industry, encouraging that industry
14 be located in these areas where these miners are. Obviously
15 training a miner to be a watchmaker is pretty --

16 THE COMMISSIONER: I just used that to
17 show how ridiculous it might be.

18 MR. MONTGOMERY: The government has to
19 induce industries. Now, they are apparently prepared to
20 do this if you are declared a disaster zone in Canada,
21 they give special allowances. I think this is where great-
22 er effort has to be put in. I don't think with the world
23 as a market, that we can afford the price of being inef-
24 ficient. We have to be efficient.

25 THE COMMISSIONER: You mentioned an indi-
26 vidual case and if you limit it to the circumstances of
27 that case, you may do a very serious wrong by allowing
28 that man to go out of existence. It might die in the
29 course of ten years but at the end of ten years the men
30 would have either taken their pension or reached an age



1 where they could retire.

2 MR. BUCHANAN: We run into those judgments
3 very often, particularly in small towns. The union leader-
4 ship is often in a quandary as to how far to push the situa-
5 tion because if it is going to go out of business in five
6 years, is it better to let them work at that level of wages?
7 This becomes a matter of judgment.

8 THE COMMISSIONER: That is all, that is
9 what I say.

10 MR. MONTGOMERY: And the judgment changes,
11 sir, if a town has been a one-industry town and been under-
12 paid like the City of Prescott was, at one time. A new
13 industry locates in there and then that plant, which is
14 inefficient, the problem worsens because their better em-
15 ployees leave to go to the higher paying employer and that
16 is the time when these people could well close and there
17 would be no real hardship.

18 THE COMMISSIONER: Well, I think you gentle-
19 men had better allow this to simmer for the next hour and
20 a half.

21 ---At 12:15 p.m., the Hearing adjourned until
22 2:15 p.m.

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1 ---On resuming at 2:15 p.m.

2 MR. POLLOCK: Mr. Montgomery, if I might,
3 for a moment return to the discussion of picketing that you
4 and I were having before lunch, ought not the individual --
5 assume for the moment he is a former employee -- ought not
6 he be permitted to make up his own mind as to whether or
7 not, on the balance of all these considerations, he will
8 return to work on whatever terms he can get?

9 MR. MONTGOMERY: Personally, if he is part
10 of the group that cast the ballots to take strike action,
11 I believe he is morally obligated, if he is in a minority,
12 to go along with the decision of the majority to participate.
13 If he votes in this regard, he has a responsibility to go
14 by the decision of the majority.

15 MR. POLLOCK: For how long?

16 MR. MONTGOMERY: For the duration of the
17 strike.

18 MR. POLLOCK: What techniques ought to be
19 employed by the majority to discourage him from going back,
20 because, for particular reasons, I think you suggested this
21 morning that his wife might want him to get back to work or
22 he may have some peculiar expenses to meet, or he is satis-
23 fied that his work is worth what the employer is prepared
24 to pay and he does not really want to hold out for any more
25 because he does not think it is reasonable and, on the basis
26 of this choice he wants to go back. Now, what can the major-
27 ity do, apart from appealing to him in the sense of a ration-
28 al change of ideas in the sense that I think that my values
29 are better than your values and try to communicate them, and
30 if I say "No, I want to go back to work", what else can



1 you do?

2 MR. MONTGOMERY: I don't know of anything
3 else you can do.

4 THE COMMISSIONER: Suppose it is a case of
5 49 against 51 per cent?

6 MR. MONTGOMERY: Well, if it was my union,
7 I would take another look at it and have another vote.

8 THE COMMISSIONER: And you get the same?

9 MR. MONTGOMERY: Well, after a great deal
10 of trouble.

11 THE COMMISSIONER: All I am suggesting is
12 if they, the 49 per cent, say "You are wrong. You cannot
13 succeed. You are going to fail. You are making a mistake"
14 and suppose, ultimately, you do make a mistake and you do
15 fail and you do see that you were wrong: All I am sug-
16 gesting is that really, that circumstance has got to be
17 taken into account in subsequent relations to those men or
18 that man.

19 MR. MONTGOMERY: If the strike vote was
20 that close, the parties would settle very quickly because
21 the employer would know there was not a great deal of
22 strike support there and the union would know and I would
23 imagine --

24 THE COMMISSIONER: What do you mean they
25 would know?

26 MR. MONTGOMERY: I don't know where it has
27 happened. My experience is, if you cannot get a much higher
28 percentage than that, three to one, or at least two to one,
29 you had better take another look at it. The more exper-
30 ienced union people, who had that result, would then proceed



1 to try and find some way of taking another look at it. I
2 have not experienced that situation, where we have gone out
3 on a vote that close. We have had votes that close and we
4 have found some other way of doing it. Companies that are
5 sophisticated would realize they can be of some help and
6 they may do something to make it more attractive and give
7 the union a reason for having another vote.

8 MR. POLLOCK: That is what happened, vir-
9 tually, in Stelco recently.

10 MR. MONTCOMERY: Yes.

11 MR. POLLOCK: There was not any substantial
12 change from the original company offer that was rejected,
13 and probably for other than economic reasons.

14 MR. MONTGOMERY: They increased a few minor
15 things -- the biggest increase was from 10 cents across
16 the board to 13 in the first year, as I recall.

17 MR. POLLOCK: That is another issue, the
18 wildcat action in Stelco. Some analysts have determined
19 the first reason the vote was rejected was because there
20 was greater politicking on the part of those who went to
21 the membership and said "Don't sell your brothers down the
22 drain".

23 MR. MONTGOMERY: That is right.

24 MR. POLLOCK: And then there was a chance
25 in the interim period for the rational or cooler minds to
26 go around and tell the people to take the settlement and
27 let the grievance procedure deal with it. Is that your
28 understanding?

29 MR. MONTGOMERY: Yes, I was involved in
30 that, in part.



1 MR. POLLOCK: But you would say that apart
2 from any appeal to reason, reasonable (a) on the basis of
3 the company's offer and (b) on the basis of the employees'
4 sense of duty to the union, solidarity, or unionism, you
5 would not suggest any other type of approach?

6 MR. MONTGOMERY: One of the things to point
7 out in this persuasion is the fact that he will undoubtedly
8 be marked as a scab as long as he works for that company
9 and the smaller the town, the greater the stigma. As I
10 mentioned earlier, a town like Belleville, it is not that
11 big, nor is Sault Ste. Marie: Now, a person who went
12 through a picket line in Toronto might escape by moving to
13 another company or moving to another section of town, because
14 you are not that well known in your neighbourhood.

15 THE COMMISSIONER: How much of that actually
16 does take place? The way you speak of it, it would seem
17 almost sufficient to prevent any of it?

18 MR. MONTGOMERY: I don't know how extensive
19 it is. I know that in smaller towns it is more so.

20 THE COMMISSIONER: Because everybody knows
21 everybody else.

22 MR. MONTGOMERY: That is right. In the
23 larger centres it is easier to be lost.

24 MR. BUCHANAN: Places that have lengthy
25 strikes and the acrimony that is aroused, all go into it.

26 MR. MONTGOMERY: Also, if you have a limited
27 number of them to be counted on the fingers of two hands,
28 you can remember that. In the plant of 200, the stigma will
29 be that much less.

30 THE COMMISSIONER: What disappoints me is



1 that we cannot get any real evidence on that -- for instance,
2 how many persons went back to work and during what period
3 and what was the effect? Nobody seems to keep any account
4 of that.

5 MR. MONTGOMERY: Perhaps it is deliberate.
6 I think the company and the union are just as anxious to
7 forget it because you want some degree of harmony.

8 THE COMMISSIONER: That is true, but on the
9 other hand, it is significant in relation to any measures
10 to eliminate these things, that to know how many people have
11 gone back and how many persons have been taken in -- what
12 is the effect of a period of strike? You speak of scabs
13 and strike breakers as destructive of your striking power.
14 Now, what is the evidence of that? Nobody seems to know.

15 MR. MONTGOMERY: No one ever thought they
16 would have any need for keeping this information.

17 THE COMMISSIONER: That may be. I can quite
18 understand that. But here we are at a point now where we
19 are trying to see if we can work out means whereby this
20 wastage and unnecessary turmoil can be avoided -- somewhat
21 -- I don't think anybody would hope to eliminate every bit
22 of it. Life is not one of repose. There is a certain
23 tension even in the home and in the family. But, the point
24 is to reduce it as far as possible. It is a waste of
25 everything. It certainly handicaps you in trying to estim-
26 ate the actual effect upon numbers and change it might
27 make. It may be that we are exaggerating the role that one
28 or other of these factors may play. So far as I can gather
29 from listening to you gentlemen, and others, the most strik-
30 ing fact which you fear in one way, is the hiring of outside



1 men, coming in to carry on to some degree the working of a
2 plant. Your object is to stop that, isn't it?

3 MR. MONTGOMERY: Yes.

4 THE COMMISSIONER: I think we can say this,
5 that any reasonable measure that can be taken to stop that
6 that will achieve our purpose, and all that remains is the
7 solidarity of the worker. Now, that solidarity will depend
8 upon the cohesive tendencies or the disillusioned tendencies
9 of that group, and that might be indicated better if we
10 knew the number of persons who broke that cohesion or the
11 means of outside influence that broke its persistence and its
12 enduring power. We haven't got that.

13 MR. BUCHANAN: By and large, sir, only in
14 very general terms could you lay it to the sides of the
15 union or the company. There is another example, in the
16 steel situation, unless it is a massive disillusionment with
17 the union, the thing does not apply because the plant is
18 closed down.

19 THE COMMISSIONER: No, I agree. It is the
20 intermediary, or the smaller one.

21 MR. BUCHANAN: The larger unions, who have a
22 history of doing a good job on behalf of the members and have
23 made gains to which you can point in real terms, will
24 get this unity, whether it is large or small plants. It is
25 unions like my own which are relatively small as compared
26 with the steel, the auto and so on, where we run into prob-
27 lems. For example, we pulled a strike at the S.S. Kresge
28 store in Oshawa a little while ago. It was not too long
29 after the Oshawa Times flare-up which gave rise to the
30 flare-up the other day. In a town like that, there would



1 be no problem of wanting a strike. Mind you, the strike
2 vote was too close for comfort. Looking back on it, per-
3 haps we should not have gone out. But, we completely lost
4 that strike. People went into work and finally we just
5 could not do anything about it, based on the fact that
6 Kresge has some 660 stores throughout the United States
7 and Canada and could not care less if we closed that thing
8 up forever.

9 THE COMMISSIONER: But, in that case, you
10 had members go back to work?

11 MR. BUCHANAN: Very few. We cut the business
12 from 100 per cent to 5 per cent -- cut it down completely.

13 THE COMMISSIONER: They could have closed
14 doors.

15 MR. BUCHANAN: They could not care less.
16 In that situation, there was a lot of cohesion, we got a
17 lot of support and all that, but when it came to the summer
18 period with vacations and things coming up and other jobs
19 were available, there was not cohesion.

20 THE COMMISSIONER: You would not say, in
21 that relatively small town, that this stigma would be a
22 permanent blemish on that community?

23 MR. BUCHANAN: On the community?

24 MR. POLLOCK: In that community?

25 MR. BUCHANAN: In that community, yes.

26 THE COMMISSIONER: But they are vindicated
27 because you did not take into account the lasting qualities
28 of that company. You did not realize what they could do
29 in the way of closing down, that they were willing to close.

30 MR. BUCHANAN: Nevertheless, the fact is



1 people crossed the picket line. I am being honest in my
2 views here, and they will be stigmatized for some time to
3 come. This is the labour movement, this is the creature we
4 are.

5 THE COMMISSIONER: Was there any opposition
6 to this strike in the vote?

7 MR. BUCHANAN: Yes.

8 THE COMMISSIONER: Well, those men were
9 actually vindicated, weren't they?

10 MR. BUCHANAN: Well, on the views they put
11 forth. They were quite happy to work for lower wages.

12 MR. POLLOCK: They said, "We will lose if
13 we go on lower wages".

14 MR. BUCHANAN: They said they were happy to
15 remain as they are.

16 MR. POLLOCK: They said they would and in
17 those circumstances they were right because they did lose?

18 MR. BUCHANAN: Yes, if you care to put it
19 on that basis. There is more to losing than in terms of
20 money.

21 THE COMMISSIONER: Well, did you think so
22 when the strike was virtually dissolved?

23 MR. BUCHANAN: We were breaking new ground
24 as everybody is in the retail field. We were seeking recog-
25 nition. The company really was not prepared to bargain.

26 THE COMMISSIONER: You were endeavouring to
27 obtain a recognition there.

28 MR. BUCHANAN: Recognition, yes.

29 MR. POLLOCK: Were you certified?

30 MR. BUCHANAN: Yes, properly certified. We



1 have been certified every time after petitions, charges and
2 all the manufactured things that the company can bring to
3 bear in front of the Ontario Labour Relations Board. We
4 defeated the company in 1965 and so on and so forth. We
5 won all the battles but we lost the war. Any conflict is
6 a war.

7 THE COMMISSIONER: It was really going back
8 many hundreds of years, it was a period of victory.

9 MR. BUCHANAN: But in terms of percentage,
10 as you say, no one has done an analysis on this because it
11 is one thing that both parties like to get overwith. I
12 mentioned the Rowntree Chocolate Company strike this morn-
13 ing. It took place, I believe, in 1945 or 1946, before I
14 came to Canada, a couple or years or so, but still, once
15 in a while you get an echo of it, "Oh, yes, I remember him,
16 he went through the line" even though it was a peaceful
17 strike and the company was supplying coffee to us out the
18 back door to the picket line and everything else. He went
19 through the line and this is something that is remembered.

20 MR. MONTGOMERY: It is amazing how somebody
21 comes back to remember. There is a senior labour man in
22 Toronto who is a chap named John Bruce, who will be 91 on
23 the 12th of February. We were talking about another old
24 time unionist who has been dead for a few years. I said,
25 "I wonder when he worked so hard at a number of lesser posi-
26 tions, why he didn't rise to higher ranks by running for
27 election". "Oh," he said, "well, old Bill scabbed back
28 about 1904 and it was always against him". I didn't even
29 know this. I had known "Old Bill", he was not "Old Bill"
30 to me because he was a lot older than I was, and I referred



1 to him by his right name, but I could never understand how
2 he worked so hard and how he was able to do so much and
3 never really get beyond the lower levels and this was ex-
4 plained to me. He was dead then 5 years but that was back
5 in 190-- something that he was involved in some railway
6 strike.

7 MR. POLLOCK: You don't forgive too many
8 people for their trespasses.

9 MR. MONTGOMERY: It comes back to haunt
10 them. For years nothing may happen and then someone says,
11 "Oh, I remember him, he went through the line". That is a
12 term that is often used.

13 THE COMMISSIONER: That is almost as bad as
14 in politics.

15 MR. MONTGOMERY: Just about.

16 THE COMMISSIONER: Perhaps worse.

17 MR. MONTGOMERY: Yes.

18 MR. POLLOCK: So far as the communication
19 of information aspect is concerned now, I am just talking
20 about the original employees. There is no element of that
21 as far as the picket line is concerned. They know the issues
22 and they know there is a strike on and they know all these
23 things so we can scrub communication of information to the
24 employees. Now, as I understand it, the only effect of the
25 picket line on those employees is, first, it indicates to
26 them that "We will know who you are, we will remember this
27 forever and ever", and "You will always go through life with
28 this anti-union mark against you".

29 MR. MONTGOMERY: It is a risk they take.

30 MR. POLLOCK: That is right, that is the
first one. As you move down the line, I suppose the second



1 major purpose of a picket line - you correct me, I am just
2 speaking in assumptions - would be to, in some ways, cause
3 him some fear of physical violence if he does, in fact,
4 cross the picket line, especially if there are large numbers,
5 is that right? Is it uncommon, let us put it that way?

6 MR. MONTGOMERY: It is not my opinion that
7 this is even remotely possible because, speaking of Toronto
8 you have probably - if there is a picket line of 50 people
9 you will probably have 12 of the biggest, brawniest members
10 of the Police Department sitting in Toronto handy and the
11 first jostling that might appear, you know the police are
12 going to be there to form a line. Even if you wanted to,
13 the chances of doing anything in this respect, would be
14 prohibitive.

15 MR. POLLOCK: Maybe not there but maybe
16 later on when you are going home and somebody follows him
17 home and hits him on the head or phones him up at night
18 and threatens his family. People say this happens to them,
19 people crossing the picket line say that this has happened
20 and also in Algoma now, I think there has been a statement
21 by the railway local, by some of their members, that they
22 did not cross the picket line because of the threats that
23 were made to them and their families and their houses.

24 MR. MONTGOMERY: The railroads, for some
25 time - I am not able to quote at the moment what the con-
26 ditions were - they could always, if the threat of bodily
27 harm was involved, justify a refusal to go through a picket
28 line and not suffer any penalty from the employer because
29 they can say "Well, I was threatened" and they will tell
30 you "Put a picket line out there so we can say if we had

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1 gone through that we might have got hurt". This is a
2 justification that they feel they need to say to the employ-
3 er "Well, look, I was endangering my life and limb if I
4 went through the line". So this is part of the justifica-
5 tion procedure.

6 THE COMMISSIONER: Do you suggest that that
7 is not put forward in good faith? There was a similar case
8 in British Columbia where the railway acted in the same
9 way. It was up the coast and it concerned a picket line.
10 One picket came along and stood near the junction of a
11 private siding on the main line and the engineer said he
12 was threatened if he went to the end of that private siding.
13 Well, I must say, there was not the slightest circumstance
14 to suggest that the engineer was not honest in making that
15 statement.

16 MR. MONTGOMERY: It could happen. The
17 possibility is there. But I am suggesting to you that this
18 danger that it is there is reported in this case because
19 this is what is expected in the way of following procedures.

20 THE COMMISSIONER: But, on the other hand,
21 you know, the criticism of the railwaymen was against the
22 company for not having obtained an injunction to do away
23 with that picket line which was illegal. They had a
24 perfectly legal basis for that but in addition to that,
25 they stated that they had been threatened.

26 MR. MONTGOMERY: Well, this is - I do not
27 want to get involved in this because I think it is a situ-
28 ation someone else could better explain than I could, but
29 I simply say that we have been told by people in the trans-
30 portation business "Put a picket line so we can observe the



1 picket line. Even if we know there is a strike on, you
2 must have a picket line". This is true of any of the unions
3 in the transportation field. They say "Put a picket on
4 that gate. If you don't want the train or the truck to go
5 through that gate, put a picket on because if there is a
6 picket there, we will observe your line; if there is no
7 picket line, we won't observe your line".

8 MR. POLLOCK: Tell me, from your long
9 experience - and I take it it is long - in the trade union
10 movement, as a union member involved in, I think, some strikes
11 and involved indirectly in others, whether or not there
12 has been any, to your knowledge, violence visited upon
13 people who crossed the picket line.

14 MR. MONTGOMERY: I can't remember any.
15 There have been cases where they have been visited in their
16 homes and they start out with a nice polite exchange of
17 views and then, as people are wont when their emotions are
18 high, they get into a yelling and shouting match with each
19 other and this is reported as being intimidation. The
20 parties did not start out that way and I am not sure, in
21 the end, who was intimidating who, but it gets out of hand
22 and this becomes an episode. I don't say there hasn't
23 been somebody in some strikes, I don't know, but strikes
24 that I have been involved in, I don't know of anybody who
25 has been beaten up in a blind alley or whatever they call
26 the thing, a dark alley. I do know of two cases where we
27 had a strike in 1940 at National Steel Car where there
28 was a newsreel of the violence on the picket line and
29 what happened, some enterprising newsreel photographer
30 took 8 of our pickets, took 4 signs and got some catsup



1 and smeared it on their face and had the pickets fight
2 pickets to take a newsreel photograph and the pickets were
3 just that naive they went along with it. Then we found out
4 it was on film. I have other people there at the time who
5 will vouch for this story.

6 THE COMMISSIONER: Yes, but you can't rub
7 out a finding of the Inquiry of the Great Lakes Shipping.

8 MR. MONTGOMERY: In this particular case,
9 members of my union, a man in the same capacity as I was
10 in my union was beaten up. This was not necessarily a
11 strike as such: this was an organizing campaign.

12 THE COMMISSIONER: To me, all of these
13 things are relevant only to one circumstance, that in that
14 state of mind where you can hold a venomous attitude towards
15 a fellow worker who becomes a scab for 50 years, then you
16 must not be surprised if he allows that passion to burst
17 into action at a picket line.

18 MR. MONTGOMERY: As a matter of fact, I
19 have found in my experience that the women are the ones
20 who are the most venomous.

21 THE COMMISSIONER: Well, as they say, the
22 female of the species --

23 MR. BUCHANAN: Well, with a picket line we
24 are dealing with such a fundamental thing. An awful lot
25 of people working today still remember the depression, the
26 rough times and so on and the thought of loss of a job is
27 bad enough but the thought of the stealing of a job by so-
28 called fellow unionists, or fellow employees, is such as to
29 cause pretty raw nerves.

30 THE COMMISSIONER: I quite agree. After



1 all I am just emphasizing it.

2 MR. POLLOCK: We are not quarelling with
3 the justification for it, we just wonder whether or not
4 it does exist, that is all.

5 MR. BUCHANAN: I think the possibility,
6 though, is reduced. How to define the responsibility is
7 something else, because until you remove the necessity for
8 strikes, you will not remove that.

9 MR. POLLOCK: I assume that you can remove
10 some of the possibility by limiting the number of people
11 on the line.

12 MR. BUCHANAN: And by eliminating strikes.

13 MR. WEISBACH: I don't think limiting the
14 number of people on the line would necessarily help.

15 MR. POLLOCK: Well, it would eliminate the
16 fact, I think, as Mr. Montgomery said this morning, of (a)
17 identification. If it is a large plant, all you can iden-
18 tify is a man with a leather coat and a lumberjack hat or
19 something like that and (b) there is also the question -
20 there is violence at a picket line, there are people who
21 get hit on the head with a sign, or there is fighting.
22 There is certainly fighting in England and there is fight-
23 ing in the United States and I would be very surprised if
24 there was no fighting in Ontario.

25 MR. BUCHANAN: All accidental.

26 MR. POLLOCK: All accidental, that is right.

27 MR. WEISBACH: But I don't think it is
28 deliberate as often as it is made out because sometimes a
29 very small incident is magnified out of all proportions.
30 I don't think anybody goes onto a picket line predetermined



1 that there is going to be violence.

2 MR. POLLOCK: No, but they are prepared,
3 in some cases, to resort to violence if they, in their
4 whole frustration, cannot appeal reasonably to a man not
5 to cross a picket line because of the feeling that they
6 think and are convinced that they are right.

7 MR. WEISBACH: But why say that the fellow
8 on the picket line goes in with the determination or the
9 expectancy of violence?

10 MR. POLLOCK: I didn't say that.

11 MR. WEISBACH: This is what is generally
12 said. Why not always say that the fellow that is trying
13 to go through this picket line and take the other fellow's
14 job is also just as determined to go through this picket
15 line regardless of what happens? I think the cause may not
16 be just with the picket, it may just as well be with the
17 fellows who are trying to crash that line.

18 MR. POLLOCK: As I said before, we are not
19 so much concerned with the cause of it as the fact that
20 it exists and the fact that the presence of the picket
21 there --

22 MR. BUCHANAN: And the strike that creates
23 the situation.

24 MR. POLLOCK: Yes.

25 MR. WEISBACH: Maybe the strike is the
26 cause for it.

27 THE COMMISSIONER: Let me read something
28 which indicates, I think, not wholly an explanation but
29 certain ideas:

30 "As far as the rank and file on the



1 picket line is concerned, the purpose
2 of a picket line is to see that the
3 plant remains closed and that scabs
4 are not permitted to pass through the
5 line and that strike breakers are not
6 brought in by the employers."

7 Now, that is the purpose, to see that these things don't
8 take place and you can understand what that means, that, as
9 you say, it is like protecting their homes. But they do
10 have these ideas. When you go back to 1871 and 1875 in
11 England, you have this particular Property Act, I think you
12 mentioned it this morning, where they enumerate many of
13 the modes of punishing the strike breakers or the one who
14 went back to the union, by saying you can't follow him
15 home or setting up a group to stare into his front door
16 from the front street. Those are all based on what the
17 actualities were in England. So, they simply follow the
18 pattern of human nature which has not reached the stage
19 where you can turn the other cheek. It takes some degree
20 of self-discipline and one thing and another to be able to
21 do that. It seems to me, though, when you are able to
22 treat what you might call a disloyalty over such a period
23 of time so freshly and so bitterly, I am not surprised at
24 anything that occurs on the picket line.

25 MR. MONTGOMERY: We have raised it just
26 this way because we know the answers we would propose would
27 not be acceptable to the employer and probably not entirely
28 acceptable to the general public, but why we raise it here
29 is to point out that this is the attitude the man has.

30 THE COMMISSIONER: I quite agree. I under-



1 stand that.

2 MR. MONTGOMERY: We don't have the answer
3 that would be the perfect solution but there still is always
4 -- we represent the employees who really are our employers
5 and they take this attitude, and as you suggested to us this
6 morning about the rights, using my backyard as a pathway
7 because it is closer and so on, they would agree with exac-
8 tly what you suggest, but when it comes to this, then it
9 is different. We try to say "This is how the courts have
10 to apply the law". They say "The law is wrong".

11 THE COMMISSIONER: That is true. We are
12 here suggesting we make the law.

13 MR. MONTGOMERY: I suppose if some guy were
14 a student of Dickens, he would say "The law, sir, is an
15 ass". We do not have the answer and we are constantly
16 faced with the attitude of the people who are employers
17 that they have a right to protect their jobs and that these
18 people should not be allowed to take them away. They feel,
19 and I agree with them, that the employer has many advantages
20 under the law to take their jobs away, give them to somebody
21 else, and they have no real recourse except to keep this
22 picket line and themselves solid to win out in the end.
23 They become demoralized and lose.

24 THE COMMISSIONER: You are speaking really
25 about a partnership and I appreciate that, which you stated
26 clearly this morning. But you hold back from socialistic
27 control over industry, don't you?

28 MR. BUCHANAN: No -- some of us.

29 THE COMMISSIONER: In the principle?

30 MR. MONTGOMERY: No, as far as we are



1 concerned, we believe there are certain things the govern-
2 ment should own but we are not proposing they should own --
3 some of the companies I know would be happy to have the
4 government buy them out because they are not doing too well,
5 but generally we accept the premise that the employer is
6 in business to make a profit. We hope that profit will be
7 big enough so he can pay the kind of wages and provide the
8 working conditions and the environment our people want, and
9 that he will continue in business, because if he doesn't
10 there are no jobs and no pension plans and so on. To this
11 extent there is a social relationship that we must maintain,
12 but it is like a fight between relatives: it can be very
13 bitter at times and they can refuse to speak for a while.

14 THE COMMISSIONER: Have you ever attempted
15 to examine the factors of your opposition, say, to the state
16 entering into this sphere? I am not suggesting that as a
17 desirability at all. I am just trying to find out what you
18 think.

19 MR. MONTGOMERY: I think this is one area
20 where you will find the unions and the employers are agreed
21 upon -- they don't want the intervention.

22 THE COMMISSIONER: Why?

23 MR. MONTGOMERY: I have experienced recently
24 the intervention of the state through an arbitration board
25 to settle a dispute, and I was a member of the board. Need-
26 less to say, I did not agree with the majority decision and
27 I thought it was a terrible injustice.

28 THE COMMISSIONER: Who decided that? Who
29 decided it really? It is what I assume was a three-man
30 board, one representing labour, the other management and a



1 neutral person.

2 MR. MONTGOMERY: That is right.

3 THE COMMISSIONER: Who decided it?

4 MR. MONTGOMERY: What happened, the Chair-
5 man decided.

6 THE COMMISSIONER: Certainly, one man
7 decides it. Then, that is the character of the tribunal.
8 I don't think you can say, and support it, that humanity
9 is incapable of getting a tribunal that can see from your
10 point of view as easily as from the other point of view,
11 and in that way, that is the first condition, being able
12 to think and act objectively. So, I think what you are
13 opposed to, really, reduces itself to the present mode of
14 arbitration.

15 MR. MONTGOMERY: That is right. We don't
16 have sufficient people who are qualified in this country
17 to do that.

18 THE COMMISSIONER: Well, I agree.

19 MR. MONTGOMERY: I don't believe that arbi-
20 tration is good for a number of reasons, one in particular
21 is that it relieves the responsibility of bargaining in
22 good faith because they know in the end they can resort to
23 arbitration.

24 THE COMMISSIONER: Well, I would not accept
25 it for a moment that good faith has any really effective mean-
26 ing exercised during negotiation. In the highest union-
27 ized country in the world, compulsory arbitration is accep-
28 ted by everyone. That is in Australia.

29 MR. MONTGOMERY: Also, sir, I would suggest
30 to you that the highest frequency of strikes is in Australia



1 too.

2 THE COMMISSIONER: I don't know that as a
3 fact.

4 MR. BUCHANAN: It is very substantial, sir.

5 THE COMMISSIONER: They have had that for
6 66 years. It has been criticized by all governments, and
7 not one word of amendment has been made by any of them,
8 including a long period of labour government.

9 MR. MONTGOMERY: Well, you are going to
10 Australia and you will come back with all of the answers.

11 THE COMMISSIONER: All I say is that I
12 think the phrase itself may carry with it such a connota-
13 tion of the intimidation, of unsatisfactory experience,
14 that you really unconsciously give it a meaning that is
15 not warranted. I think you can have the best kind of
16 settlement by means of arbitration, and all you have to do
17 is to look at the history of your own country. In the
18 early days of England, they would not accept a jury on a
19 criminal matter. Why? Because they didn't trust their
20 neighbour. They lived at swords points with each other.
21 But finally it became necessary to submit questions of
22 conflict -- you assaulted me and I assaulted you, and in
23 the early days I determined it if I won and you determined
24 it if you won. They had to submit it to the judgment of
25 others. There is no difference between that and the stage
26 at which we are today. We have a more sophisticated and
27 intricate combination of circumstances, but nevertheless
28 those circumstances are not beyond the intelligence of
29 human beings or the dispassionate and disinterested resolu-
30 tion of those circumstances.



1 MR. BUCHANAN: Can you achieve that dispa-
2 sionate attitude? I presume we are talking government
3 agencies now.

4 THE COMMISSIONER: I think so, in our courts
5 of law, and the difference between a court of law and an
6 arbitration is that in a court of law you have rules by
7 which you are guided. You have standards. You have specific
8 conceptions which point the direction in which a decision
9 must be made, but you have nothing like that in the collision
10 of interests. All I want is more and all you want is more.
11 Where are you going to draw the line? Now in Australia
12 they have begun to say "What are the legitimate considera-
13 tions? What should we take into account?". "Well, there
14 is the general economic level, the desirability to raise
15 the standard of living. There is the question of what
16 impact any particular setting of wages (and this is largely
17 a question of wages) will have on the general economy. The
18 question of the value of money." These are all complicated
19 questions, but you will never make any advance if you don't
20 try to reach that.

21 MR. MONTGOMERY: Also in this area, of
22 course, the government or the parties themselves, or every-
23 one concerned have to arrive at what their objective is.
24 For example, sir, the fact that one industry, the auto
25 industry, can afford to pay a great deal more than a textile
26 industry. Then do we take the position that the people in
27 the textile industry are entitled to the same standard of
28 living and the same wage levels as the auto industry, and
29 if so, how does the textile industry pay for it? We have
30 to have some kind of governing philosophy on what we are



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1 trying to do.

2 THE COMMISSIONER: I quite agree with that.

3 You remember Bernard Shaw wrote a book on the women's idea
4 of socialism in which he suggested we have a common wage
5 for everybody. What do you say to that?

6 MR. MONTGOMERY: Henry Ford advocated that
7 when he paid \$5 a day and then you can quote the bible "to
8 the man according to his talents," "I don't know.

9 THE COMMISSIONER: There is the difficulty.
10 It is not an easy problem.

11 MR. MONTGOMERY: This is the environment
12 you need to be able to approach the matter of arbitrating
13 differences with the type of dispassion you suggest because
14 the arbitrators have some suggestion as to what is expected
15 for the overall good.

16 THE COMMISSIONER: Do you think you could
17 train men to that fact?

18 MR. MONTGOMERY: First of all, you have
19 got to have the people accept the philosophy or the concept.
20 You could probably train men in any skill, provided you
21 take the time.

22 THE COMMISSIONER: They can easily intro-
23 duce themselves to a state of philosophy or a system of
24 ideas, but it is the ability to go full circle and see
25 these facts of life from different points of view that
26 presents the difficulty.

27 MR. MONTGOMERY: Another difficulty is that
28 you must have the people who are involved agree that this
29 is the correct concept. To make an illustration, the suc-
30 cess of American prohibition was a law that people were



1 not prepared to accept, and I think you have to have them
2 accept the economic theory or social theory of the arbi-
3 tration proceedings, the framework for the arbitration
4 procedure to work in.

5 THE COMMISSIONER: Oh yes, but sometimes,
6 you know, you can't have a government that is always follow-
7 ing what it thinks are the headlines of society's motion
8 forward. They have got to do certain leadership.

9 MR. MONTGOMERY: I agree, but there is an
10 old saying that you can only lead them as fast as they will
11 follow.

12 THE COMMISSIONER: That is true, but you,
13 by your very leadership, may increase their pace.

14 MR. MONTGOMERY: Oh, yes.

15 THE COMMISSIONER: And it seems to me that
16 is one thing that labour has not paid enough attention to
17 -- the integrity of leadership which will bring forth a
18 greater respect for leadership recommendations. I think
19 that is a duty that is incumbent upon labour leadership.

20 MR. BUCHANAN: I would expect that, sir.
21 I don't know the situation in Australia, apart from what I
22 have read, but, of course, we are all products of an environ-
23 ment and it is the history of Canada and the United States
24 that compulsory arbitration has been an impediment to
25 labour and management. This is almost where you started
26 off - not quite, I know that and you talk about labour
27 leader integrity. The labour leader's integrity has been
28 kicked in the teeth time and time again because of the fact
29 that if he tried to be a leader and honest with management
30 and honest with his people and so on, he would get double-



1 crossed down the line and these people would say to him,
2 "Well, you can't sit down and reason with this man over
3 here, you have to pound the table once in a while, you have
4 to hit him with a strike and then you know that you are an
5 adversary capable of fighting and then we can sit down and
6 be reasonable". This is the kind of atmosphere. This is
7 a fact of life. The labour movement has spent so many
8 years, and still does, and this is a crying shame. We
9 still have to fight for recognition as a part of society
10 with many employers and particularly where you get an
11 elected labour leader, in some sense he becomes a politician
12 and he is fighting to maintain the balance of integrity
13 in the political sense and deal with employers and society
14 as a whole fairly and it is a pretty difficult test.

15 MR. MONTGOMERY: It is becoming more dif-
16 ficult to negotiate but we are getting people who have the
17 final say farther removed from the local operations. You
18 get into the position of complete frustration where you
19 have a real good relationship with the local management
20 which says "I can't do a thing, New York or Chicago or
21 Montreal say I can't". This is becoming more and more of
22 a problem. In the case that Hugh cited about Kresge's,
23 local management may have been quite happy to work out an
24 arrangement but they have not got that sort of choice.

25 THE COMMISSIONER: That happened in this
26 city?

27 MR. POLLOCK: That was the other way, as
28 far as the newspapers were concerned.

29 MR. MONTGOMERY: Well, if you have about
30 3 weeks, we can talk about that, I will be happy to do so.



1 MR. WEISBACH: I think the newspaper was
2 an isolated case, a very isolated case.

3 MR. POLLOCK: I know, but you are saying
4 that the local arrangement is lost because of international
5 control of the company by the United States and I think
6 that for the same reason you can say that the local solution
7 was lost in the newspaper strike because of the international
8 control.

9 MR. WEISBACH: But it is far more common
10 in business than in unions.

11 MR. BUCHANAN: I will buy you up to a
12 point. I don't think anyone sitting at this table will
13 deny the --

14 MR. MONTGOMERY: It would be the same with
15 a Canadian company or a Canadian union. I am not saying
16 it is wrong as far as corporate bodies are concerned but
17 we do not communicate with the people who make decisions.
18 You find that quite an honest local management says, "Look,
19 I have no quarrel. In fact the only way head office will
20 know what is going on is to have a strike here, maybe they
21 will know what is going on". I have had occasion when the
22 personnel directors have told me "I have recommended
23 settlement to the head office on this level, I know you
24 will take it - right?" and I say "Right". He says, "I
25 know they won't agree". You have this kind of difficulty
26 and in fairness to the people you represent, you can't go
27 back to the membership and say "Well the local management
28 is on our side but the local office is in trouble because
29 if it gets back to the head office, there won't be the same
30 local manager but someone else who won't be as good an



1 administrator".

2 MR. POLLOCK: Turning to the analysis of
3 the picketing in relation to the strike breakers, the non-
4 original employee force, on page 4 you talk about the in-
5 junction enabling the employer to hire strike breakers and
6 thus create a serious situation making the strike ineffective.
7 Now, assuming that all injunctions do not prohibit all
8 picketing, how does the injunction actually enable the
9 employer to hire replacements other than by reducing the
10 numbers of pickets at the gate to a level where he is no
11 longer afraid to go to work if he wants to?

12 MR. MONTGOMERY: Well, you have summed it
13 up.

14 MR. POLLOCK: That is the only way --

15 MR. MONTGOMERY: The other aspect of that
16 which has nothing to do with the strike breakers as such,
17 does affect the strike, and that is the demoralizing effect
18 of seeing where yesterday there were 50 pickets at a gate,
19 and now there are only 2 and the intervention of the courts
20 into the thing. You tell them "Now, if you go out there
21 in 6 instead of 2, you are going to be in contempt of
22 court and it is a penalty". After the Tilco thing, you
23 tell them "This is what can happen" and they will say,
24 "Well, hell, the law is against us now"

25 MR. POLLOCK: It causes them to unite in
26 interest more, does it?

27 MR. MONTGOMERY: No, they decide they have
28 an added adversary, that the company has been joined in
29 their contest by the courts and what is the law for a poor
30 man, sort of thing. I mentioned that earlier this morning



1 about the attitude this creates which is damaging to our
2 society as a whole. You have your strike then, you may have
3 a few say "Well, we can't win, the courts are against us,
4 they have 8 strike breakers in there", so the ones who were
5 deciding that they weren't 100 per cent behind the strike
6 start to get less and less sure of winning and they will
7 say "Well, maybe we have got the best piece we have and
8 we'll get back on the job". It helps undermine the strike.
9 In all fairness - and we are trying to be quite honest with
10 you gentlemen - is that it is only in the strikes that are
11 not real strong strikes that this injunction plays a serious
12 role in undermining the strike. An injunction limiting
13 the pickets, for example, at the Massey Harris Company here
14 in Toronto, two to a gate would be no harm because there
15 would be nobody there anyway, but where there is a weak
16 situation, where the balance is more precarious then this
17 sort of use of injunctions, the introduction of limiting
18 the picket line adds to the problems of the morale and un-
19 balances. It is like anything else, it is like the old
20 last straw on the camel's back sort of thing. It is a bad
21 cliché but I am trying to explain what I mean. These are
22 the situations where the injunction hurts. There are a
23 number of strikes you read about in the paper where you
24 put a picket or two on the gate and the company tries to
25 operate and the picket goes off at 5:00 o'clock at night
26 and goes on at 8:00 o'clock in the morning and the people
27 are communicating, their negotiation may be carried on dur-
28 ing the picketing and the parties have that kind of arrange-
29 ment where the company more or less agrees they won't try
30 to operate and injunctions don't matter. In fact, the



1 pickets don't always matter.

2 MR. POLLOCK: So it is only in those areas
3 where the picketing is limited to a level where the strike
4 breakers will cross now because they are not afraid to
5 cross that the question of communication of information
6 doesn't affect them because they can read one sign as well
7 as five signs. They know there is a strike going on and
8 they don't have that loyalty to the trade union movement,
9 they will cross, they don't care about a strike. They do
10 care about some other threatened violence which may occur
11 or may not occur and that is sufficient in those circum-
12 stances. If the removal of the pickets by injunction has
13 the effect of permitting a strike breaker to cross then I
14 would think that is the solution.

15 MR. MONTGOMERY: The strike breaker crossing,
16 of course, is an inducement for those who are out on strike
17 who are losing pay -- as you say, "If I go in with 8 of
18 them, it is not so bad as going in with myself" and they
19 go in in bunches. A mob has a great deal of valour in many
20 cases because they are brave in bunches.

21 MR. POLLOCK: I suppose that is why 7,000
22 steelworkers in the Sault would cross where 200 other people
23 on the railways would not cross, is that a good analogy?

24 MR. MONTGOMERY: No, I don't think it is
25 true. I think in one case we have a contract and we have
26 already experienced problems with not honouring agreements.

27 MR. POLLOCK: Does your contract at the
28 Sault provide that you must not cross the picket lines?

29 MR. MONTGOMERY: It says we shall not en-
30 gage in a slowdown strike, work stoppage and so on, and we



1 would be liable to damages if we didn't go through.

2 MR. POLLOCK: Is that a good clause to
3 have in your agreement?

4 MR. MONTGOMERY: I don't think so. You
5 asked my opinion. I don't think so. I think a man should
6 be allowed to honour a picket line.

7 MR. POLLOCK: As a union leader, so far as
8 controlling the membership in relation to the agreement
9 that has been struck on behalf of, do you not think the
10 added threat of potential damages against you is enough
11 to keep the members of the union in line?

12 MR. BUCHANAN: I would accept that if there
13 were a lot of other things existing.

14 MR. MONTGOMERY: Our concern in a situa-
15 tion such as this is the fact that we have signed an agree-
16 ment that we will not strike.

17 THE COMMISSIONER: Doesn't that itself
18 show that all of these questions are matters with which
19 we must become more closely associated and understand and
20 that we must take a larger view than our own immediate
21 interests because in one sense, you know, you betray the
22 union cause? It can be said against you that you do not
23 maintain that general solidarity of the entire working
24 body of employees, if you fail to do that, for whose
25 interest? I would say not only your own interest but the
26 interest of all your men and the interest of the community
27 as well, and therefore, these so-called rights, or these
28 so-called barriers or means or symbols of loyalty are not
29 absolute in their nature. They may be modified and you,
30 in this case have done that.



1 Now, it is not the only case in which that
2 was done at all but suppose you have half a dozen plasterers
3 who are essential to a huge undertaking in which 3,000 men
4 are employed and they, for some reason or other go on
5 strike and they set up a picket line, do you think it is
6 sound policy to say "That whole work must stop?". Not if
7 you follow the principle of your contract. I think that
8 is something that labour ought to think about.

9 MR. BUCHANAN: It is based on what they
10 might stop for, sir.

11 THE COMMISSIONER: They are stopping legally,
12 there is a legal strike, they are dissatisfied with the
13 amount of remuneration that is given to them and they say,
14 "We are going to strike", they can strike, they do. You
15 say "There is a line there and we won't cross it" and as
16 a result 3,000 men are thrown out of employment and they
17 might continue that picket for 3 weeks or 4 weeks and they
18 all have homes to look after and children to clothe and
19 feed and care for and all because half a dozen men have a
20 dispute. Well, those half a dozen men can easily say,
21 "At least we don't want our work done by other people".
22 That would be reasonable.

23 MR. BUCHANAN: This happens in many cases
24 in the craft situation.

25 MR. POLLOCK: Not in the construction indus-
26 try, at least from the Toronto experience where a picket
27 line will be set up around a premises and all the trades
28 will not cross.

29 MR. BUCHANAN: It is usually a recognition
30 situation.



1 THE COMMISSIONER: It is not confined to
2 that.

3 MR. BUCHANAN: I don't say all of them but
4 it is usual.

5 MR. MONTGOMERY: I think it is very danger-
6 ous ground to get on to discuss the building trades as
7 part of the labour movement as such. They have problems.
8 One of the reasons the recognition strike becomes very
9 important is that they are only on the job for three weeks
10 or four weeks and the due process of law comes out on the
11 side of the union after the job is finished so that they
12 have to have another way of solving this matter of recogni-
13 tion. There are a number of companies in Toronto that
14 operate under 2 or 3 different names so that you have to
15 keep your solicitor busy finding out what particular con-
16 tract this is and what name they are using this time. It
17 is a very different situation and the solution to their
18 problems will not help the rest of the labour movement as
19 such.

20 MR. POLLOCK: I think that is commonly
21 accepted that there is a distinction between the construc-
22 tion trades industry and general industry.

23 MR. MONTGOMERY: Actually the building
24 trades, while they operate in 25 different unions, they
25 work through the Council which, in effect, is kind of an
26 industrial approach to bargaining.

27 MR. POLLOCK: We are going to hear from
28 them on Tuesday. We have dealt with the relationship of
29 the employees crossing and strike breakers crossing: Now,
30 what of the relationship to the public? What effect, other



1 than the bare communication of an idea that there is a
2 strike on which can be accomplished by two or three people
3 or one person or a sign or whatever you have, that there is
4 a strike. What other interest has the public got -- put
5 it this way: What other interest has the picketing got
6 with relation to the public apart from the communication of
7 information?

8 MR. MONTGOMERY: Do you include in "the
9 public" other unions?

10 MR. POLLOCK: All right, I exclude from the
11 public those employees going to work there and other
12 strike breakers or former employees.

13 MR. MONTGOMERY: Well, the other unions --
14 suppose the unions haul their things in there by truck or
15 train?

16 MR. POLLOCK: They can be told of the strike
17 as far as communication in the sense that one sign is there.

18 MR. MONTGOMERY: Their wishes are that there
19 be pickets. If you talk to them, they want pickets on the
20 gate.

21 MR. BUCHANAN: Are you asking the -- are
22 you posing the question as a value to a union on strike of
23 the publicity of the strike?

24 MR. POLLOCK: Yes.

25 MR. BUCHANAN: By picketing?

26 MR. POLLOCK: By picketing at the plant
27 premises to the general public. I can conceive of industrial
28 situations where somebody from the public would never ever
29 go there, so that the public communication of information
30 is really of insignificant value.



1 MR. BUCHANAN: By picket?

2 MR. POLLOCK: Yes.

3 MR. MONTGOMERY: Well, there is the value
4 in it -- and it certainly varies greatly -- of the public
5 being aware the plant is on strike. This is particularly
6 true in areas -- take the buying habits of people ---

7 THE COMMISSIONER: It is not so in the case
8 of productive industry.

9 MR. MONTGOMERY: No, I am thinking, for
10 example, of one of the apparent requisites of being a success-
11 ful brewery in Ontario is that you have a union contract.
12 Say a brewery was on strike, it could very well affect their
13 sales.

14 THE COMMISSIONER: That might not be a bad
15 idea.

16 MR. BUCHANAN: What you are seeking, Mr.
17 Pollock, is the picket per se as a method of communication
18 to the public if the plant is stuck in the middle of a huge
19 industrial complex where the general public, as a general
20 rule, does not pass through or around and I would say in
21 that context it would communicate very little. If you in-
22 clude the public you include the public; you include all the
23 workers around in other plants which may be of some value
24 to the union and then, I say, it serves the purpose.

25 MR. POLLOCK: What kind of value?

26 MR. BUCHANAN: Moral building, and they
27 communicate it to their families and friends that so and so
28 is on strike in their particular industrial area.

29 MR. POLLOCK: But it hasn't got any economic
30 effect on the employer?



1 MR. MONTGOMERY: If the picket line is on
2 there it is not likely that a number of people will go look-
3 ing for jobs.

4 MR. POLLOCK: Apart from the people of that
5 type.

6 MR. WEISBACH: The people working there can
7 inform other people that this plant is on strike.

8 MR. POLLOCK: You can do the same thing by
9 having one picket there with a sign, if you want to know
10 there is a strike on, and it says that there is a strike on
11 at this plant and the same communicative value is there.

12 MR. BUCHANAN: Except there must be a picket
13 of some kind.

14 MR. POLLOCK: Or have a sign stuck in the
15 ground.

16 MR. BUCHANAN: A sign stuck in the ground
17 doesn't mean anything.

18 MR. POLLOCK: It certainly does in the
19 construction industry.

20 MR. BUCHANAN: Now we are back to that. If
21 the people in the unions and the public relate the strength
22 of the strike and the activity of the strike to the number
23 of pickets on there -- if you have got one picket it looks
24 like it may be abandoned, because I know in the Hamilton
25 Spectator they had pickets there 20 years after the strike
26 ended.

27 THE COMMISSIONER: Yes, they had the same
28 thing in Ottawa with the Ottawa Citizen.

29 MR. MONTGOMERY: Yes.

30 THE COMMISSIONER: When you are in a small



1 community that presents a different climate but in a large
2 city, as you suggested before, these things have much less
3 impact and they cause much less effect.

4 MR. BUCHANAN: In terms of communication
5 -- all strikes are won or lost to a great extent on public
6 sympathy.

7 THE COMMISSIONER: Do you think the public
8 sympathy has any influence?

9 MR. BUCHANAN: Oh, yes.

10 MR. MONTGOMERY: I think it depends on the
11 industry.

12 MR. POLLOCK: Let's take Mr. Buchanan's
13 industry in Oshawa where you would think there would be
14 terrific public sympathy towards unionism, and in effect,
15 the people crossed the line.

16 MR. BUCHANAN: Yes. We could have stopped
17 them.

18 MR. POLLOCK: How?

19 MR. BUCHANAN: Very easily.

20 MR. POLLOCK: How?

21 MR. BUCHANAN: By doing the same things as
22 we did at the Oshawa Times.

23 MR. POLLOCK: But that's not sympathy.
24 Sympathy to me is somebody who sympathizes with a view and
25 "I am in favour of the position in this case and I won't
26 cross the line for that reason", not "I am not going to
27 cross the line because I am afraid to cross the line".

28 MR. MONTGOMERY: If you have a picket it
29 is better to picket with 2 or 3 dozen -- it is more social
30 -- it is more pleasant.



1 THE COMMISSIONER: On the sympathy of the
2 public, it seems to me to be effective, it must be the
3 public that is more intimate with the work than you get in
4 the large city.

5 MR. MONTGOMERY: There is no quarrel about
6 that. A smaller town will unite behind a cause more readily
7 because of the relationship being closer.

8 THE COMMISSIONER: And I suppose that feel-
9 ing of the community communicates itself to the employers.

10 MR. BUCHANAN: They will take sides for or
11 against. This is why I say the public sympathy can win or
12 lose a situation. For example, we had a strike at the
13 Hershey Chocolate Company in Smith Falls -- a very quiet
14 and peaceful strike and we eventually won it and the com-
15 munity was behind us. There was no violence or anything
16 like that.

17 THE COMMISSIONER: There is one thing you
18 may be interested in ---

19 MR. BUCHANAN: In Toronto perhaps public
20 sympathy would have been blocked.

21 MR. POLLOCK: What about extending communi-
22 cation from the plant site to the point of sale?

23 MR. WEISBACH: That is what you call secon-
24 dary boycott.

25 MR. MONTGOMERY: It depends who the customer
26 is. I would think, for example, if General Motors had a
27 strike and you picketed a Cadillac agency, the people who
28 bought Cadillacs would not likely be pro-labour people, but
29 if you had a strike of a brewery and you picketed the pub
30 and said "Don't buy O'Keefe beer or Labatts beer being sold



1 at this pub", there would be a good deal more response if
2 it were in a working class neighbourhood than there would
3 be, maybe, to picket the Albany Club or the National Club
4 with the same placard. I think you have got to have a
5 receptive audience, or at least not an anti-audience.

6 MR. POLLOCK: If communication of informa-
7 tion is to be significant it has to be communicated to
8 someone, somebody who does not know the facts beforehand.

9 MR. WEISBACH: I think you remember, sir,
10 the case was cited of the incident down in Woodstock,
11 Hersee's at Woodstock, and the situation at Deacon Brothers
12 in Belleville was such that they could not go on strike,
13 the wages were so bad and this information -- the union
14 wanted to convey that information to the general public and
15 it was prevented by an injunction which was issued against
16 the picketing.

17 MR. POLLOCK: There is a distinction there.
18 There was no strike at the plant?

19 MR. WEISBACH: No, but there were others.
20 There were strikes in other cases -- I remember some time
21 ago, there was a strike against one of the outlets, something
22 similar to what Mr. Buchanan described up in Fort Francis.
23 It was against a Steadman store and as a follow-up, we pick-
24 eted other Steadman stores in Ontario to convey to the general
25 public that there was one store on strike, and the strike
26 lasted for, I don't know, two years, but we wanted to convey
27 the information that Steadman's were unfair to the union
28 members in this particular area. That is what you would
29 call a secondary boycott.

30 THE COMMISSIONER: There is one question I



1 want to put to you: In many of these strikes, I have
2 noticed some railway strikes, they talk about the money
3 payable in hours or mileages and things of that sort. How
4 is it that the public whose sympathy is being sought is
5 not informed of the annual return to these men who are
6 proposing to strike or actually striking? Why don't we know
7 what, in the course of the year, they receive out of the
8 production of this country?

9 MR. BUCHANAN: I agree, it is an effective
10 weapon.

11 THE COMMISSIONER: Yes, I can't understand
12 why it is kept apart. What do the public know what a man
13 is getting in the course of a year by saying that he is
14 fighting for 35½ cents an hour -- nothing.

15 MR. BUCHANAN: I would like to have you
16 write some of our leaflets in a strike situation. You
17 would probably do a good job.

18 MR. MONTGOMERY: One of the difficulties
19 we face, with all due respect to the newspaper people here
20 -- and I hope at times they are my friends -- the newspapers
21 are not always concerned with the cause of the strike. They
22 are more concerned with the fact there is a strike on.

23 THE COMMISSIONER: But you are concerned
24 with the publicity of the strike. Why don't you say -- I
25 have thought of that in connection with the railways; I
26 know something about the railways, and I proposed it to the
27 railways, that they do publish these things, but they don't
28 do it. Why?

29 MR. MONTGOMERY: We submitted briefs showing
30 the related earnings of people by the hour, by the week and



1 by the month in certain conciliation proceedings. The dif-
2 ficulty is that no one is prepared to accept the person
3 who is paid hourly as being on any other basis.

4 THE COMMISSIONER: Because he is paid on
5 that basis.

6 MR. MONTGOMERY: When we negotiate for
7 office people, we negotiate the monthly rate because that
8 is the basis of payment. In spite of attempting to relate
9 it to a year so you can make a better comparison, the parties
10 naturally drift back -- I am not justifying it -- because
11 people don't work a full year. It is not as though they
12 have a contract like a school teacher that they are going
13 to teach for a term. They do not look on their job as
14 being anything lasting that period of time.

15 THE COMMISSIONER: I would say they are
16 paid so much a year with two month's holiday -- that is
17 what the teacher generally has.

18 MR. MONTGOMERY: That is all right for the
19 teacher but what about the man on the railroad? He may be
20 laid off for three months.

21 THE COMMISSIONER: I would like to know what
22 he gets in the course of a year and the number of days he
23 has worked.

24 MR. MONTGOMERY: When you are talking to
25 the building trades union, it would be an excellent one for
26 them to use because they generally have 2 to 3 month's
27 layoff a year because of the building season.

28 THE COMMISSIONER: I would like to know
29 what they receive. We calculate our income tax, certainly,
30 on the basis of a year. We take a year because the same



1 conditions recur.

2 MR. BUCHANAN: This is a matter of evolution.

3 Certainly the history in Canada since the war is going to
4 change a lot of our thinking in terms of hourly rates. We
5 are getting away from hourly rate thinking, gradually gett-
6 ing to longer term thinking, but it is the history of the
7 working man in many countries, that the hourly rate meant
8 that that was just what he was, he was picked up for a few
9 hours and then discarded. This concept is disappearing
10 and I agree with you. We used to use it in Windsor in
11 Canada Bread one or two times when the employee would come
12 along and demand in the bakery of Canada Bread in Windsor,
13 the same hourly rates as the automobile workers. I would
14 say, "Fine, we could probably get you the same hourly rates.
15 Now would you like the same stand-downs and model changes
16 and everything else? If you want to add it up over a year
17 you will probably find you are ahead of the auto workers".
18 And as a matter of fact, we projected some of those rates
19 and we were ahead of them.

20 MR. MONTGOMERY: Of course, all the efforts
21 are always defeated to this extent because the Federal
22 Department of Statistics keeps all their rates on an hourly
23 basis.

24 THE COMMISSIONER: I know, but you men know
25 exactly what you receive.

26 MR. MONTGOMERY: Oh, yes.

27 MR. BUCHANAN: Yes, there is no argument.

28 MR. MONTGOMERY: It is a deeply ingrained
29 habit of the negotiators on both sides to relate everything
30 to hourly rates.



1 MR. BUCHANAN: Cost accountants talk in
2 these terms.

3 THE COMMISSIONER: You are talking of an
4 incredible extent of inertia. The problem is to dynamite
5 that inertia.

6 MR. BUCHANAN: I could accept that, in all
7 good faith I could accept that.

8 MR. POLLOCK: Is there any distinction to
9 be drawn between the use of economic pressures in support of a
10 particular position between those unions and those employers
11 who have bargained in good faith and those who have not?

12 MR. MONTGOMERY: I am not sure what you
13 mean.

14 MR. POLLOCK: Well, would you say that a union
15 that has not bargained in good faith ought to be entitled
16 to insist on the ban on strike breakers, to insist on the
17 large picketing force, to insist on all these other things
18 in the same fashion as someone who has gone through the
19 bargaining process in good faith and can't agree?

20 MR. MONTGOMERY: In most cases the people
21 who have bargained in good faith are the ones who are not
22 going to do these things anyway. We don't have difficulty
23 as a rule with companies with a long standing reputation of
24 being bargainers of integrity. These are the sort of people
25 who are not going to -- this is a general statement -- are
26 not going to be hiring strike breakers. They may not even
27 hire scabs. They might even lay off the office staff and
28 cut back and sit and wait it out. So to make this sort of
29 distinction would be rather pointless because our exper-
30 ience has been with the good bargainers, as we call them,



1 they are not going to try to break a strike because they
2 accept the union as part, as one of the institutes of the
3 community. This is, I would say, a good clean fight. There
4 are certain rules of gentlemanly behaviour that they are
5 going to confine their contest to, within these certain
6 limitations. I have known of companies who will - in one
7 case they let us hook into their electric line and water
8 line at strike headquarters and we had it on company property.
9 They made no attempt to operate.

10 MR. POLLOCK: You were liable to be decerti-
11 fied by the employer.

12 MR. MONTGOMERY: We were not concerned with
13 that problem at the time but this is the difference: I
14 don't think you can say that. It would not make any real
15 difference. And also, who is going to decide whether they
16 bargain in good faith?

17 MR. POLLOCK: Those who suggest to us that
18 they ought to bargain in good faith will have to decide.

19 MR. MONTGOMERY: We will leave it to them.

20 MR. POLLOCK: In the conclusion of your
21 brief you make certain recommendations for legislation, the
22 first of which is to establish the right of every worker
23 who goes on strike in accordance with the legislation and
24 have his job protected until the conclusion of the strike.
25 How do you determine when the strike is over? If he takes
26 alternate employment, do you make him come back to work?
27 What happens if there is not, in fact, any settlement of the
28 dispute at all?

29 MR. MONTGOMERY: The strike must end.

30 MR. POLLOCK: All right, by definition it



1 must end. When does that occur? It can occur when the
2 settlement is made and everyone gets back to work.

3 MR. MONTGOMERY: In other cases where it is
4 a lost strike, every union with the exception of the typographical union which goes on strikes for a long, long
5 period of time, but I am talking about the building trades
6 and the needle trades and the other industrial unions,
7 theatres and so forth, sometimes the union stops paying
8 strike benefits. It generally locates or encourages people
9 to locate in other jobs and officially terminates the strike
10 as far as having no committees, no pickets, no strike benefits being paid. With rare exceptions would this be hard
11 to determine.

14 THE COMMISSIONER: By the way, would strike
15 benefits be paid to a striker who has taken temporary work
16 outside?

17 MR. MONTGOMERY: It would depend what the
18 income was. If it was a full time job he would not be paid.
19 We would make allowances for this sort of thing. In fact,
20 there are unions who have encouraged unions to take jobs
21 and then they turn over part of what they earn to help the
22 other strikers. It is spread around the welfare, make the
23 poverty a little less, whichever way you want to look at it.

24 MR. POLLOCK: In your last concluding suggestion,
25 you submit that the law should limit the employer's
26 right of persuading employees who are on his payroll at the
27 date of the strike to return to their jobs. What do you
28 mean by that?

29 MR. MONTGOMERY: We have had cases where
30 they were visited in their homes by the foreman and told



1 they were not going to hold a job any more, the strike was
2 lost and they were going to hire somebody else and he would
3 never get back - this sort of intimidation. It is effective
4 because often it makes the wife panicky and puts additional
5 pressure on the husband to go back.

6 MR. POLLOCK: Do you think the employer
7 should be able to picket? Shouldn't the employer be able
8 to communicate the information on the strike to the wife?

9 MR. MONTGOMERY: It depends how it is com-
10 municated.

11 MR. BUCHANAN: It is not what you say but
12 how you say it.

13 MR. POLLOCK: In conclusion, the last ques-
14 tion I have, what do you think the responsibility of the
15 union is in relation to wildcat action as we defined it
16 this morning? Is it the practice, so far as you know it,
17 to discourage wildcat action or illegal action for that
18 matter, that is, violence on the picket line by internal
19 sanction in the union?

20 MR. MONTGOMERY: First of all, a wildcat,
21 in the case of people who are employed full time, we are
22 very anxious to avoid. It causes us great difficulty, more
23 difficulty than we can possibly explain to you here. You
24 try to get them back to work; in fact you try to prevent
25 them from going out in the first place. This is not the
26 most rewarding part of our job, to try to discourage people
27 who are mad to stay in and we will do it some other way.
28 I can remember standing on factory floors and in parking
29 lots and even in pouring rain trying to convince a couple
30 of hundred, mad employees who believed they had been very



1 unjustly dealt with, to go back to work and it is not the
2 most flattering terms you receive. It is not terms of en-
3 dearment. It takes a great deal of persuasion and often a
4 good deal of courage to do the things that are unpopular.
5 Despite all the other moral obligations we have, the contract
6 and everything, it is just bad practice from our point of
7 view to engage in wildcat strikes.

8 MR. POLLOCK: Do you discipline any of these
9 people?

10 MR. MONTGOMERY: Yes, we have, for example,
11 I mentioned Stelco, we laid charges against people in that
12 wildcat at Stelco last summer.

13 MR. POLLOCK: The union itself?

14 MR. MONTGOMERY: Yes. In fact, my colleague,
15 he has the same position in the union I have in Hamilton,
16 laid the charges himself.

17 MR. POLLOCK: And they are proceeding against
18 the employees?

19 MR. MONTGOMERY: I don't know the outcome
20 but the committee is reporting back to the meeting in Novem-
21 ber or December, I have forgotten. You don't usually take
22 discipline against all of them; you take discipline against
23 the leaders.

24 MR. POLLOCK: You take disciplinary action
25 against those individuals who, in some circumstances, par-
26 ticipate in violence or unlawful activity on the picket line.

27 MR. BUCHANAN: We can only talk in terms of
28 our own particular union here. As a labour council it is
29 difficult.

30 MR. POLLOCK: Not as a council, I am talking

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1 about your own particular experience.

2 MR. BUCHANAN: What happens in our own
3 organization, we have had this situation, and that is if
4 the company has not taken some action in the form of dis-
5 missal, then you have a grievance and arbitration on your
6 hands, usually the man who heads these things up, or the
7 men, are in some sort of a position of authority within the
8 little group in itself -- either a steward or would-be
9 steward, and you demonstrate to the people that this was
10 just not the kind of leadership that they should have foll-
11 owed and in that sense you can discipline them. Financial
12 discipline - some unions have this kind of constitution.
13 I am sure I don't know of any off-hand, but Brother Mont-
14 gomery can speak for steel, Henry can probably speak for
15 the unions in Toronto. I can only speak for our own instit-
16 ution. I know that we have in our institution, a discipline
17 section and when a man does anything detrimental to the good
18 of the union, then he will be disciplined and even expelled.
19 Now, a wildcat strike which caused the union all kinds of
20 headaches and his fellow employees suffered, could be a
21 detriment to the union and action taken and we have done
22 that.

23 MR. POLLOCK: Let me put this question, then:
24 So far as the action on the picket line is concerned. It
25 is a hypothetical case in your circumstances, obviously,
26 because you don't recall any experience of violence on
27 the picket line - assuming that one of your members on the
28 picket line throws a brick through a window: now, perhaps
29 that may have some positive effect or destroy some machine,
30 has some positive effect in settling the negotiations,



1 ending the strike, because it may compel the employer to
2 come to reason so that, in effect, it is not really detri-
3 mental to the union in pursuing that object, but it is
4 detrimental to the union owing to the fact that it gets a
5 black mark against it in the sense that here some people
6 who want to say "Get rid of unions", will say "That is the
7 time to get rid of unions, they have a bunch of thugs and
8 hoodlums". Do you discipline those people or ought you to
9 discipline those people so that you will discourage that
10 sort of thing?

11 MR. BUCHANAN: Certainly you will attempt
12 to discourage that but we have to be composed of human
13 beings too and I would think this, that if that thing that
14 he did, a particular incident, contributed to the settle-
15 ment of the strike, then you weigh that against all the
16 things that the employer did to start the strike in the
17 first place.

18 MR. POLLOCK: In short, your answer to my
19 question is "No".

20 MR. BUCHANAN: My answer to your question,
21 Mr. Pollock, is this, that our labour union, as a whole,
22 looks at the settlement of strikes, which seem to be on the
23 face of it, and reported as rather violent strikes, that
24 there seem to be relatively quick settlements and then you
25 look at something like the Royal York strike which was pro-
26 tracted for over a year or a year and a half, which was the
27 most peaceful strike ever conducted in this city and was
28 finally settled for a pittance. This is the kind of atti-
29 tude that a lot of our people have, and it is pretty diffi-
30 cult to change it.



1 MR. MONTGOMERY: One of the difficulties
2 you have, to be quite candid, is if someone did throw a
3 brick, who saw him throw the brick?

4 MR. POLLOCK: Well assuming you could prove
5 who saw it.

6 MR. MONTGOMERY: Assuming you could prove
7 it, then if that was able to be proved and if it was an
8 offence, why didn't the company do something?

9 MR. POLLOCK: Assuming maybe they did do
10 something?

11 MR. MONTGOMERY: Then the man is punished.

12 MR. POLLOCK: What if, on the terms of your
13 settlement of this agreement, you request that all criminal
14 prosecutions be withdrawn?

15 MR. MONTGOMERY: This becomes, again, a
16 point.

17 MR. POLLOCK: It is all a matter of bar-
18 gaining, that is your answer.

19 MR. MONTGOMERY: These people have to live
20 together after it is all over with and the company and the
21 union say "We have taken each other on in a contest, we
22 both may be in part responsible for what has happened. Now
23 it is over, let bygones be bygones".

24 THE COMMISSIONER: I could accept that more
25 freely if I knew you did that with your so-called scabs.

26 MR. MONTGOMERY: Remember, sir, if you
27 recall that one of the English judges described what people
28 thought a scab was and one of the phrases was that he was
29 like a traitor to his country in a time of war and this is
30 pretty hard to get around. Not only do his equals in the



1 factory look on him like that but the management also look
2 on him that way.

3 THE COMMISSIONER: He is not concerned with
4 any social relations with the manager, but he is concerned
5 in his social life with his fellow workers.

6 Well, gentlemen, we are very much obliged
7 to you for the fullness of our discussion. You have cer-
8 tainly turned up many aspects which are important and sig-
9 nificant, and if you have anything after this that you
10 would care to communicate to us, feel at liberty to do so.

11 MR. MONTGOMERY: Thank you, sir, for your
12 kind attention and I don't profess that we were very
13 brilliant, but we certainly tried to be honest.

14 THE COMMISSIONER: Yes, I think you were
15 and we are much obliged.

16 The Commission is adjourned until Monday
17 at 10:00 o'clock in the morning.

18 ---Adjournment.
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BINDING SECT. OCT 20 1967

